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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT HACKWORTH,
Plaintiff,
v.
P. RANGEL, et al.,
Defendants.

Case No. 1:06-cv-00850-AWI-MJS (PC)

**ORDER GRANTING PLAINTIFF'S
MOTION FOR ATTENDANCE OF
INCARCERATED WITNESS KEVIN E.
FIELDS**

(ECF No. 107)

**JURY TRIAL: OCTOBER 22, 2013 AT 8:30
A.M. IN COURTROOM 2 (AWI)**

Plaintiff Robert Hackworth is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed July 6, 2006 pursuant to 42 U.S.C. § 1983. This matter proceeds on a claim of excessive force against Defendant Rangel. Plaintiff's claim arises from an incident which he asserts occurred on July 28, 2004 at California State Prison - Corcoran.

This matter is set for October 22, 2013 jury trial in U.S. District Court for the Eastern District of California, Fresno Division. Plaintiff was ordered to notify the Court of the names and location of each witness he intends to call at trial.

Before the Court is Plaintiff's motion for voluntary attendance of Kevin E. Fields, inmate, CDC# P-83425, as a necessary and material trial witness. Inmate Fields is confined at California State Prison – Corcoran. (ECF No. 107.)

1 An incarcerated witness who agrees voluntarily to attend trial to give testimony can
2 not come to Court unless the Court orders the warden or other custodian to permit the
3 witness to be transported to Court. The Court will not issue such an order unless it is
4 satisfied that: (a) the prospective witness is willing to attend; and (b) the prospective
5 witness has actual knowledge of relevant facts.

6 Plaintiff has provided Field's sworn statements showing Fields has actual knowledge
7 of relevant facts and is willing to attend trial.¹ Plaintiff has met the applicable standard.
8 Defendant does not oppose the attendance of inmate Fields. The motion for attendance
9 shall be granted.

10 The Court, by separate order, will cause inmate Fields to be brought to U.S. District
11 Court in Fresno for proceedings herein commencing on October 22, 2013.

12 Accordingly, it is HEREBY ORDERED THAT:

- 13 1. Plaintiff's motion for attendance of inmate Kevin E. Fields as a necessary and
14 material witness for the Plaintiff in proceedings in this case on October 22,
15 2013 (ECF No. 107) is GRANTED; and
- 16 2. The Clerk of the Court shall serve a copy of this order on Kevin E. Fields,
17 CDC# P-83425, California State Prison - Corcoran, 4001 King Avenue,
18 Corcoran, CA 93212-8309.

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21 IT IS SO ORDERED.

22 Dated: September 13, 2013

23 /s/ Michael J. Seng
24 UNITED STATES MAGISTRATE JUDGE
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¹ See ECF No. 17, Exhibit F, July 28, 2004 Declaration of Kevin E. Fields; see also ECF No. 107, Exhibit A, July 25, 2013 Declaration of Robert Hackworth.