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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

WILLIAM NIBLE,

Plaintiff,

v.

E. FLORES,

Defendant.

CASE NO. 1:06-cv-01716-BAM PC

ORDER VACATING WRIT OF HABEAS  
CORPUS AD TESTIFICANDUM FOR  
WILLIAM NIBLE

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Plaintiff William Nible (“Plaintiff”) is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendant E. Flores for violation of the First Amendment right to receive mail. The matter is set for jury trial on March 27, 2012 before the undersigned.

On March 22, 2012, Defendants’ counsel filed a declaration, stating that Plaintiff had been in communication with counsel and had indicated his intent to dismiss this action with prejudice. Terhorst Decl. ¶ 2, Doc. 104. Based on this representation to the Court, trial is not necessary in this action, and Plaintiff’s presence is not required. Accordingly, it is **HEREBY ORDERED** that:

1. The writ of habeas corpus ad testificandum for William Nible, CDCR No. P45257, issued February 27, 2012, is vacated; and
2. The Clerk of the Court is directed to fax a copy of this order to the litigation coordinator where Plaintiff is incarcerated.

**IT IS SO ORDERED.**

Dated: March 23, 2012

/s/ Barbara A. McAuliffe

U.S. MAGISTRATE JUDGE