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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Davon E. McCoy,)	No. CV-07-198-SMM
Plaintiff,)	
vs.)	ORDER AND WRIT OF HABEAS CORPUS AD TESTIFICANDUM (BROOKS #C68326)
R. Spidle, et al.,)	
Defendants.)	

Before the Court is Plaintiff’s Application for Writ of Habeas Corpus Ad Testificandum. (Doc. 246.) Lennell T. Brooks (Inmate # C68326), a necessary and material witness in the proceedings in this case, is confined in California State Prison–Sacramento located at Prison Road, Represa, CA 95671 in the custody of Warden Tim Virga. In order to secure his attendance at trial it is necessary to issue a Writ of Habeas Corpus Ad Testificandum commanding the custodian to produce the inmate.

Accordingly,

IT IS HEREBY ORDERED GRANTING Plaintiff’s Application for Writ of Habeas Corpus Ad Testificandum. (Doc. 246.)

IT IS FURTHER ORDERED that:

1. A Writ of Habeas Corpus Ad Testificandum shall issue under the seal of the Court commanding Warden Tim Virga to produce Lennell T. Brooks (Inmate # C68326) in Courtroom #2 of this Court located at 501 “I” Street, Sacramento, CA 95814 on January 30, 2012 at 9:00 AM, and other days thereafter as may be directed by

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the Court, for the trial of this case and to return him to California State Prison–Sacramento upon conclusion of the proceedings or as otherwise further ordered by the Court;

2. The custodian must promptly notify the Court of any change in custody of the inmate and provide the new custodian, if any, with a copy of this Order and Writ; and

3. Service of this Order and Writ may be accomplished by mailing a certified copy to the Litigation Coordinator at California State Prison–Sacramento, P.O. Box 290002, Represa, CA 95671.

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

To: Warden Tim Virga
California State Prison–Sacramento
P.O. Box 290002
Represa, CA 95671

You are commanded to produce Lennell T. Brooks (Inmate # C68326) in Courtroom #2 of this Court located at 501 “T” Street, Sacramento, CA 95814 on January 30, 2012 at 9:00 AM, and other days thereafter as may be directed by the Court, and to return him to California State Prison–Sacramento upon conclusion of the proceedings or as otherwise further ordered by the Court.

You are further ordered to notify the Court of any change in custody of the inmate and provide the new custodian, if any, with a copy of this Order and Writ.

DATED this 11th day of January, 2012.



Stephen M. McNamee
United States District Judge