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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
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8 **MICHAEL IOANE, et al,**

9 **Plaintiffs**

10 **v.**

11 **KENT SPJUTE, et al,**

12 **Defendants**  
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**CASE NO. 1:07-CV-0620 AWI EPG**

**ORDER RE: EMERGENCY EX PARTE  
MOTION TO HAVE MICHAEL IOANE  
SR. RETURNED TO TAFT  
CORRECTIONAL INSTITUTE CAMP  
IMMEDIATELY**

14 Michael Ioane Sr.'s civil trial ended on Thursday, September 15, 2016. During the trial he  
15 had been housed at Fresno County Jail. Before trial, Mr. Ioane had sought assurances from the  
16 court that he would be returned expeditiously to his home facility, Taft Correctional Institute  
17 Camp, as he needed to make filings in various other legal cases he is a party to. The U.S.  
18 Marshals Service had previously indicated to the court that he would be returned to Taft within a  
19 day or two after the trial. A full week after trial, Mr. Ioane remains at Fresno County. Mr. Ioane  
20 has filed an emergency request seeking a court order to return him to Taft. The U.S. Marshals  
21 Service now explains that Fresno County has held onto Mr. Ioane pending a medical review to  
22 determine if he is healthy enough to travel; the U.S. Marshals say that Mr. Ioane should be  
23 transported to a Kern County holding facility on Wednesday, September 28 and then sent to Taft  
24 on Friday, September 30. This is a truly unwelcome circumstance. The delay appears to be due to  
25 Fresno County's procedures dealing with medical observation and should be resolved within the  
26 next week. Given the nature of the delay, the court declines to intervene at this time. However, if  
27 Mr. Ioane is not returned to Taft soon, he may renew his motion. As for problems arising in his  
28 other lawsuits, this court can only make the record clear so that other courts might adjust deadlines

1 as they find appropriate. Mr. Ioane was transported from Taft early in the morning of September 2  
2 (and effectively cut off from his legal papers in other cases starting August 31). He will likely not  
3 be returned to Taft until September 30 and not have access to his legal materials until some time in  
4 October.

5 Michael Ioane Sr.'s emergency ex part motion for an order transferring him to Taft  
6 Correctional Institute Camp immediately is DENIED.

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8 IT IS SO ORDERED.

9 Dated: September 23, 2016

  
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10 SENIOR DISTRICT JUDGE  
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