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

NAKIA MCCLAIN,
Plaintiff,
v.
L. GONZALES, et al.,
Defendants.

) CASE NO. 1:07-cv-00945 JLT (PC)
)
) ORDER GRANTING REQUEST FOR THE
) ATTENDANCE OF AN INCARCERATED
) WITNESS
)
) (Doc. 78)
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)

On August 22, 2011, the Court issued its Second Scheduling Order. (Doc. 76) This order set forth the requirements for the parties to obtain the attendance of incarcerated witnesses. As incarcerated witnesses who agree to testify, in the motion seeking the witnesses’ attendance at trial, the moving party was required to demonstrate that the witness had first hand knowledge of the events and is willing to testify. Id. at 2-3. A detailed declaration is required to demonstrate both issues. Id. The same requirements apply for incarcerated witness who have not agreed to testify voluntarily except that the moving party is required to detail this refusal. Id.

In his motion, Plaintiff attests that witness Kevin Fields was an eye and ear witness to events described in the complaint and has actual first hand knowledge of these events. (Doc. 78 at 2) Though Mr. McClain does not specifically state that Mr. Fields is willing to attend the trial, he reports that Mr. Fields “has the ability to testify as a witness in this case.” Id. It appears as though Plaintiff intends this to mean that Mr. Fields has agreed to testify. Notably, Defendants offer no objection to the attendance

1 of Mr. Fields at trial.

2 Therefore, good cause appearing, the request for the attendance of inmate Kevin Fields at trial
3 is **GRANTED**.

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5 IT IS SO ORDERED.

6 Dated: December 15, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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