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

DESHA CARTER,

Plaintiff,

vs.

C. MUNOZ, et al.,

Defendants.

Case No. 1:07-cv-01736 JLT (PC)

ORDER DENYING MOTION FOR A  
CHANGE IN VENUE

(Doc. 82)

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Plaintiff is a parolee proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff’s motion, dated January 8, 2011, requesting the venue for trial be changed in this case. Plaintiff argues that he lacks the financial resources to travel from Los Angeles County to the district court in Fresno.

On January 11, 2011, the parties in this case appeared before the Court telephonically for a trial confirmation hearing. During the hearing, Plaintiff indicated to the Court that he will have sufficient financial resources to travel to Fresno for his trial. In addition, Plaintiff indicated that he was working on obtaining permission from his parole officer to allow him to travel to Fresno for the trial.<sup>1</sup> Alternatively, the Court authorized Plaintiff to appear at his trial via teleconference.

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<sup>1</sup>As discussed at the January 11, 2011 trial confirmation hearing, the Court contacted Plaintiff’s parole officer, Parole Officer Barnes. Officer Barnes reported to the Court that, though Plaintiff expressed that he had a trial set in Fresno on February 28, 2011 and expressed concerns over costs of attending the trial, Plaintiff *had not*

1 Following up on the hearing, on January 13, 2011, the Court issued a written order which,  
2 in summary, required Plaintiff to report, no later than February 1, 2011, whether he will appear in  
3 person at his trial. If he intends to do this, he was ordered to provide the Court a copy of the written  
4 permission obtained from his parole officer to do so. Alternatively, Plaintiff was ordered to notify  
5 the Court whether he would proceed via teleconferencing and, if so, provide the Court information  
6 about the teleconferencing service provider that he will use. Plaintiff was warned that his failure to  
7 comply with the order would result in dismissal of the action.

8 Accordingly, it is HEREBY ORDERED that Plaintiff's motion for a change in venue (Doc.  
9 82) is DENIED AS MOOT.

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11 IT IS SO ORDERED.

12 Dated: January 18, 2011

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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27 requested permission to travel to Fresno. Thus, Plaintiff *has not been granted permission to travel to Fresno*.  
28 Therefore, Plaintiff is cautioned that if he wishes to appear personally at his trial, rather than appear by  
teleconference, he *shall* immediately request permission to travel from Officer Barnes and that he *shall* comply with  
the Court's January 13, 2011 order as summarized above.