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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

AASIM NIA,)
)
 Plaintiff,)
)
 v.)
)
 DERRAL ADAMS,)
)
 Defendant.)
)

**1:08-cv-0520-AWI-DLB-PC
ORDER GRANTING MOTION FOR
ATTENDANCE OF INCARCERATED
WITNESSES
(Doc. #45)**

Plaintiff Aasim Nia (“Plaintiff”) is a state prisoner proceeding pro se with this civil rights action under 42 U.S.C. § 1983. Trial is currently set for February 22, 2010.

In this action, Plaintiff contends that Defendant Derral Adams violated his equal protection rights. Plaintiff alleges that Defendant maintained a policy that allowed non-affiliated African American inmates to be housed with gang affiliated inmates but did not require non-affiliated Hispanic inmates to be housed with gang affiliated inmates. Plaintiff alleges that this policy forced non-affiliated African American inmates celled with gang affiliated inmates to be placed on lock down anytime gang affiliated inmates were on lock down, However, because non-affiliated Hispanic inmates were never housed with gang affiliated inmates, non-affiliated Hispanic inmates were never on lock down when gang affiliated inmates were on lockdown.

On December 9, 2010, Plaintiff filed a motion requesting the court order Inmate Edward Saddler, CDCR # K81618 and Inmate Dante Craig, CDCR # T78833 be transported to court for trial.

1 Plaintiff's motion provides evidence that both Mr. Saddler and Mr. Craig are willing to testify at
2 trial, and Plaintiff's declaration has been attached to Plaintiff's motion. Both Mr. Saddler and Mr.
3 Craig will testify that they were housed at Kern Valley State Prison with Plaintiff during the relevant
4 time frame. Both Mr. Saddler and Mr. Craig will testify about what they observed concerning
5 housing arrangements and offer their opinions that there was an unwritten policy to not house non-
6 affiliated Hispanic inmates with affiliated Hispanic inmates. Defendant has not opposed either Mr.
7 Saddler's or Mr. Craig's being brought to court to testify.

8 The court will grant Plaintiff's motion at this time. Mr. Saddler and Mr. Craig have
9 testimony that is relevant to the issues in this action. Both can testify concerning their observations
10 about housing. They also may offer their opinions on housing policies if their opinions fall within
11 Rule 701 of the Federal Rules of Evidence. As such, the court will order a writs for Mr. Saddler and
12 Mr. Craig Mr. Logan.

13 Accordingly, the court ORDERS that

- 14 1. Plaintiff's motion for Inmate Edward Saddler, CDCR # K81618 and Inmate Dante
15 Craig, CDCR # T78833 to be transferred for trial is GRANTED;
- 16 2. The Clerk of the Court is DIRECTED to serve a copy of this order on:
17 Edward Saddler, CDCR #K81618
18 Kern Valley State Prison
19 3000 West Cecil Ave.
20 Delano, CA 93215
21 Dante Craig, CDCR #T78833
22 Kern Valley State Prison
23 3000 West Cecil Ave.
24 Delano, CA 93215
- 25 3. The court will issue a writs of habeas corpus ad testificandum.

26 IT IS SO ORDERED.

27 Dated: January 13, 2011


28 CHIEF UNITED STATES DISTRICT JUDGE