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13 Attorney for Defendant
 MATTHEW CATE

14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA

18 **James F. Menefield,**
 19 **Plaintiff,**
 20 v.
 21 **Matthew Cate,**
 22 **Defendant.**

Case No. 08-00751

**STIPULATION TO VACATE
 ORDER & WRIT OF HABEAS
 CORPUS AD TESTIFICANDUM FOR
 MEDIATION AND [PROPOSED]
 ORDER**

Judge: Charles R. Breyer

24 On January 4, 2010, the Court issued a Writ of Habeas Corpus Ad Testificandum (Court
 25 Docket (CD) 46), requiring Warden James A. Yates to transport Plaintiff James E. Menefield from
 26 Pleasant Valley State Prison to California State Prison, Solano, for purposes of participating in a
 27 court-ordered mediation scheduled for February 1, 2010, before Magistrate Judge Nandor Vadas.

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1 The transportation of Plaintiff to the mediation would impose a hardship on him.


2 Plaintiff has vested his attorney, Nathaniel Garrett with the full authority to represent
3 Plaintiff's interests at the mediation on February 1, 2010, including settlement of the case as
4 appropriate.

5 Magistrate Judge Nandor Vadas, before whom the mediation is to take place, has
6 indicated his willingness to conduct the mediation without the physical presence of Plaintiff, and
7 with his counsel, Nathaniel Garrett present and fully authorized to represent Plaintiff's interests.

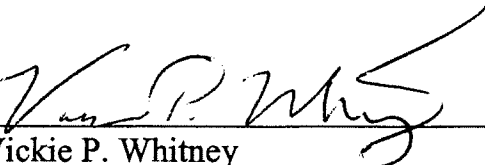
8 **ACCORDINGLY, THE PARTIES, BY AND THROUGH THEIR COUNSEL**
9 **OF RECORD, STIPULATE AS FOLLOWS:**

10 The Court's Order & Writ of Habeas Corpus Ad Testificandum shall be vacated, and
11 Warden James A. Yates, shall not transport Plaintiff James F. Menefield from Pleasant Valley
12 State Prison to California State Prison, Solano, for the February 1, 2010 mediation before
13 Magistrate Judge Nandor Vadas.

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15 Dated: January 13, 2010

By 
Nathaniel P. Garrett
JONES DAY
Attorney for Plaintiff

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18
19 Dated: January 13, 2010

By 
Vickie P. Whitney
SUPERVISING DEPUTY ATTORNEY
GENERAL
Attorney for Defendant

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23 **IT IS SO ORDERED.**

24 Dated: January 14, 2010.

