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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MANUEL ARENAS,	CASE NO. 1:08-cv-01351-OWW-SKO PC
Plaintiff,	ORDER DISREGARDING PLAINTIFF'S
v.	REQUEST FOR ATTENDANCE OF
	INCARCERATED WITNESS
DR. ENANMOH, et al.,	
Defendants.	

Plaintiff Manuel Arenas ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On December 8, 2010, Plaintiff filed a pre-trial statement along with a document entitled "Order and Writ of Habeas Corpus Subpoena Duces Tecum." (Doc. #43, 44.)

Plaintiff appears to be requesting the attendance of an incarcerated witness for his trial. However, Plaintiff's request for the attendance of an incarcerated witness is defective. The Second Scheduling Order issued on October 8, 2010 clearly set forth the procedures for obtaining the attendance of incarcerated witnesses. Plaintiff was explicitly informed that he must file a written motion for a court order requesting the attendance of such witnesses and any motion must be accompanied by declarations showing that the witness is willing to testify and has actual knowledge of relevant facts. Plaintiff has failed to submit any motions or declarations regarding his request for the attendance of an incarcerated witness. It is unclear whether inmate Ernesto Leon is willing to testify voluntarily and it is unclear whether he has actual knowledge of any relevant facts.

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1 Based on the foregoing, it is HEREBY ORDERED that Plaintiff's "Order and Writ of Habeas
2 Corpus Subpoena Duces Tecum" is DISREGARDED.

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5 IT IS SO ORDERED.

6 **Dated: December 17, 2010**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE