

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

TIMOTHY FENSTERMACHER,

Plaintiff,

No. 1:08-cv-1447-SKO (PC)

vs.

SAMUEL MORENO, et al.,

Defendants.

**ORDER & WRIT OF HABEAS CORPUS
AD TESTIFICANDUM**

Timothy Fenstermacher, inmate # J-81961, a necessary and material witness in proceedings in this case on December 15, 2010, is confined in California Correctional Institution, 24900 Highway 202, Tehachapi, CA 93561, in the custody of the Warden. To secure this inmate's attendance, it is necessary that a Writ of Habeas Corpus ad Testificandum issue commanding the custodian to produce the inmate before Magistrate Judge Nandor J. Vadas at California State Prison, Solano, 2100 Peabody Road, Vacaville, California 95696 on December 15, 2010 at 1:00 p.m.

ACCORDINGLY, IT IS ORDERED that:

1. A Writ of Habeas Corpus ad Testificandum issue, under the seal of this court, commanding the Warden to produce the above-named inmate to participate in a settlement conference at the time and place above, until completion of the settlement conference or as ordered by Judge Vadas; and thereafter to return the inmate to the above institution, or other appropriate facility at the discretion of the California Department of Corrections and Rehabilitation; and

2. The custodian is ordered to notify the court of any change in custody of this inmate and is ordered to provide the new custodian with a copy of this writ; and

3. The Clerk of the Court is directed to serve a courtesy copy of this order and writ of habeas corpus ad testificandum on the Out-To-Court Desk, California State Prison, Solano, P.O. Box 4000, Vacaville, California 95696.

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

To: Warden, California Correctional Institution, P.O. Box 1031, Tehachapi, California, 93581

WE COMMAND you to produce the inmate named above to testify before Judge Vadas at California State Prison, Solano, at the time and place above, until completion of the settlement conference or as ordered by Judge Vadas; and thereafter to return the inmate to the above institution, or other appropriate facility at the discretion of the California Department of Corrections and Rehabilitation. This inmate's legal property, relevant to the above entitled case, shall accompany the inmate.

FURTHER, you have been ordered to notify the court of any change in custody of the inmate and have been ordered to provide the new custodian with a copy of this writ.

IT IS SO ORDERED.

Dated: September 21, 2010

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE