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

LOUIS BRANCH,  
  
                    Plaintiff,  
  
          v.  
  
D. UMPHENOUR, et al.,  
  
                    Defendants.

Case No. 1:08-cv-01655-SAB (PC)  
  
ORDER OVERRULING OBJECTION TO  
ORDER DENYING MOTION FOR  
ATTENDANCE OF INCARCERATED  
WITNESSES AND DIRECTING CLERK OF  
COURT TO FORWARD IN FORMA  
PAUPERIS APPLICATION TO NINTH  
CIRCUIT  
  
(ECF Nos. 250, 251, 252, 253)

On October 28, 2016, an order issued denying Plaintiff’s motion for the attendance of incarcerated witnesses. (ECF No. 248.) Plaintiff filed objections, a notice of corrected objections, corrected objections, and a motion to proceed inform a pauperis on a writ of mandamus on November 14, 2016. (ECF Nos. 250, 251, 252, 253.)

Plaintiff objects to the order denying his motion for the attendance of incarcerated witnesses on the ground that he did not have an opportunity to respond to objections filed by Defendants. However, Defendants did not file objections to Plaintiff’s motion for the attendance of incarcerated witnesses. Plaintiff’s motion was denied as it was procedurally defective because he did not comply with the scheduling order but stated that he would file his motion for the attendance of incarcerated witnesses at a later date. Accordingly, Plaintiff’s objection to the order denying his motion for the attendance of incarcerated witnesses is **HEREBY**

1 OVERRULED. Plaintiff is advised that efforts should be made by him to prepare for trial which  
2 is set for January 30, 2017. Plaintiff is advised that the trial will be commencing on that date.  
3 Plaintiff is further advised that he must comply with those dates previously set for filing  
4 documents. Plaintiff should direct his efforts in seeing that these documents, deadlines set  
5 pursuant to court order, are timely filed in order to avoid issues of exclusions of Plaintiff's  
6 evidence and other issues associated with Plaintiff's failure to comply with court orders.

7 Plaintiff also filed a motion to proceed in forma pauperis on a writ of mandamus which is  
8 directed to the Ninth Circuit. The clerk of the court is DIRECTED to forward the motion to  
9 proceed in forma pauperis to the Ninth Circuit.

10 IT IS SO ORDERED.

11 Dated: November 22, 2016

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14 UNITED STATES MAGISTRATE JUDGE

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