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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

IVAN RAY CARTER, JR.,

Plaintiff,

v.

A. FERNANDEZ, et al.,

Defendants.

CASE NO. 1:08-cv-01841-SKO PC

ORDER SETTING TELEPHONIC STATUS HEARING

Telephonic Status Hearing: April 11, 2012 at 1:30 p.m., Courtroom 7 (SKO)

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Plaintiff Ivan Ray Carter, Jr., (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants A. Fernandez, R. Reynaga, and H. Carillo for excessive force in violation of the Eighth Amendment, and against Defendants L. Ceaser and D. Jones for failure to provide adequate medical care in violation of the Eighth Amendment. This matter is set for jury trial on April 17, 2012 before the undersigned.

On March 12, 2012, the Court issued an order and writ of habeas corpus ad testificandum for Clyde Rainey, a California state prisoner, to testify as a material witness in this action. The Clerk of the Court was recently informed that Mr. Rainey is unwilling to appear. The Court finds a telephonic status hearing necessary in this matter to address this issue.

Accordingly, it is HEREBY ORDERED that:

1. This matter is set for telephonic status hearing on **April 11, 2012 at 1:30 p.m.** in Courtroom 7 before United States Magistrate Judge Sheila K. Oberto;
2. Counsel for Defendants is required to arrange for the participation of Plaintiff in

1 the telephonic status hearing and to initiate the telephonic hearing at **(559) 499-**  
2 **5790**; and

- 3 3. In order for Plaintiff to receive this order in a timely manner, the Clerk of the  
4 Court is directed to fax a copy of this order to the litigation coordinator at  
5 Plaintiff's current facility of incarceration for delivery to Plaintiff.

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8 IT IS SO ORDERED.

9 **Dated:** April 9, 2012

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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