

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMISI JERMAINE CALLOWAY,
Plaintiff,
vs.
C/O W. HAYWARD AND C/O J. OAKS,
Defendants.

1:08-cv-01896-LJO-GSA-PC
ORDER DISMISSING CASE
ORDER VACATING MARCH 18, 2014
ORDER AND WRIT OF HABEAS CORPUS
AD TESTIFICANDUM AS TO JAMISI
JERMAINE CALLOWAY, CDC #P-97743
(Doc. 143.)
ORDER FOR CLERK TO CLOSE CASE

Jamisi Jermaine Calloway (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with this five year old civil rights action pursuant to 42 U.S.C. § 1983, against defendants Correctional Officers W. Hayward and J. Oaks (“Defendants”), for use of excessive force against Plaintiff, in violation of the Eighth Amendment of the United States Constitution.

On March 21, 2014, a telephonic trial confirmation hearing was held before District Judge Lawrence J. O’Neill. Plaintiff appeared for himself, and defense counsel Lesley R. Wagley appeared for Defendants.

Based on Plaintiff’s multiple representations at the March 21, 2014 hearing that he is incapable and unable to proceed to trial in this matter, the court made a *sua sponte* motion to dismiss this case and granted the motion.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. This case is DISMISSED;
- 3 2. The order and writ of habeas corpus ad testificandum, issued on March 18,
- 4 2014, to transport inmate Jamisi Jermaine Calloway, CDC #P-97743, to trial on
- 5 April 22, 2014, is VACATED; and
- 6 3. The Clerk of Court is directed to CLOSE this case and serve this order in the
- 7 manner of service of the order and writ of habeas corpus ad testificandum.
- 8

9 IT IS SO ORDERED.

10 Dated: March 21, 2014

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE