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

HERMAN D. SHEAD,  
Plaintiff,  
v.  
C/O VANG,  
Defendant.

Case No. 1:09-cv-00006-AWI-SKO

**ORDER VACATING WRIT OF HABEAS  
CORPUS AD TESTIFICANDUM  
DIRECTING WARDEN OF SAN  
QUENTIN STATE PRISON TO  
TRANSPORT HERMAN D. SHEAD,  
CDCR #E-38991, FOR COURT  
APPEARANCE ON AUGUST 13, 2013**

(Doc. 89)

Plaintiff Herman D. Shead filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 5, 2009. This action is proceeding against Defendant Vang on Plaintiff's claim that Vang used excessive force against him on or around July 3, 2007, in violation of the Eighth Amendment of the United States Constitution. At the time of the events in question, Plaintiff was incarcerated at Pleasant Valley State Prison in Coalinga, California.<sup>1</sup>

On August 1, 2013, the Court issued a writ of habeas corpus ad testificandum directing the Warden of San Quentin State Prison to transport Plaintiff to the United States Courthouse in Fresno, California, on August 13, 2013, for court a mandatory settlement conference.

The Court has issued an Order VACATING the settlement conference in light of Plaintiff's failure to submit a confidential settlement conference statement. **Accordingly, the writ of habeas corpus ad testificandum directing the Warden of San Quentin State Prison to transport**

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<sup>1</sup> Plaintiff is currently incarcerated at San Quentin State Prison.

1 **Plaintiff Herman D. Shead, CDCR #E-38991, to the United States Courthouse in Fresno,**  
2 **California, on August 13, 2013, is HEREBY ORDERED VACATED.**

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IT IS SO ORDERED.

Dated: August 7, 2013

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE