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

LOUIS OLIVEREZ, JR.,  
Plaintiff,  
v.  
BEN ALBITRE,  
Defendant.

Case No. 1:09-cv-00352-LJO-SKO PC  
**ORDER STAYING WRIT OF HABEAS  
CORPUS AD TESTIFICANDUM  
DIRECTING TRANSPORTATION OF  
INMATE DIEGO R. HERNANDEZ, CDCR  
#V-28618**  
**(Doc. 86)**  
**ORDER DIRECTING CLERK'S OFFICE  
TO SERVE ORDER BY FAX ON RJD  
CORRECTIONAL FACILITY AND BY  
MAIL ON WITNESS HERNANDEZ**

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This matter is currently set for jury trial before U.S. District Judge Lawrence J. O'Neill on October 1, 2013. On August 22, 2013, the Court issued a writ of habeas corpus ad testificandum directing the production of inmate **Diego R. Hernandez, CDCR #V-28618**, for trial as a witness on the behalf of Plaintiff. On September 4, 2013, the Court received and filed a letter from inmate Hernandez stating that he does not want to be transported for trial. A telephonic hearing to discuss the matter with the parties has been scheduled. Therefore, the transportation writ shall be stayed, pending further order.

Accordingly, it is **HEREBY ORDERED** that:

1. The writ of habeas corpus ad testificandum directing the production of inmate Diego R. Hernandez, CDCR # V28618, is **STAYED** pending further order of the Court;

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2. The Clerk's Office shall serve a courtesy copy of this order by facsimile on the  
Litigation Office at Richard J. Donovan Correctional Facility; and

3. The Clerk's Office shall serve a courtesy copy of this order on Diego R.  
Hernandez, CDCR # V-28618.

IT IS SO ORDERED.

Dated: September 5, 2013

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