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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LARRY D. THOMAS,

Plaintiff,

v.

HECTOR ROBLES, et al.,

Defendants.

CASE NO. 1:09-cv-00443-LJO-BAM PC

ORDER DIRECTING CLERK OF COURT TO
SERVE LETTER FROM RUDOLPH MEDINA
ON PLAINTIFF

(ECF No.)

ORDER REQUIRING PLAINTIFF TO INFORM
THE COURT WHETHER TO TRANSPORT
RUDOLPH MEDINA FOR TRIAL

_____/ FIVE-DAY DEADLINE

Plaintiff Larry D. Thomas (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is confirmed for trial on December 13, 2011, at 8:30 a.m. before the Honorable Lawrence J. O’Neill. On November 11, 2011, an order and writ of habeas corpus ad testificandum issued to transport witness Rudolph Medina for trial. On November 28, 2011, the Court received a letter from inmate Medina stating that he refuses to testify in this matter. Since Plaintiff requested the attendance of inmate Medina he shall notify the Court if he wants inmate Medina to appear for trial given that he has indicated he will refuse to testify.

Accordingly it is HEREBY ORDERED that:

- 1. The Clerk of the Court shall serve a copy of the letter filed November 28, 2011, on Plaintiff; and

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2. Within five days from the date of service of this order, Plaintiff shall inform the Court if he wants inmate Medina transported to testify on his behalf at trial.

IT IS SO ORDERED.

Dated: November 30, 2011

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE