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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALLEN B. WILLIAMS,

Plaintiff,

vs.

MATTHEW CATE, et al.,

Defendants.

Case No. 1:09-cv-00468 LJO JLT (PC)

ORDER DENYING MOTIONS FOR TRIAL  
ATTENDANCE OF INCARCERATED  
WITNESSES

(Docs. 110, 112-119).

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Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has recently filed a Pre-trial Statement (Doc. 110) and eight motions requesting the appearances of several incarcerated witnesses. (Docs. 112-119).

Plaintiff is reminded that on January 13, 2012, due to Defendant Bradley’s military deployment and Plaintiff’s request to amend the scheduling order, this Court vacated the trial confirmation hearing on February 3, 2012, the March 6, 2012 trial date, and all deadlines set forth in the Third Scheduling Order. (Doc. 104). The Court also set a new deadline for dispositive motions and Plaintiff’s Opposition. (Doc. 104 and 107).

Since no new trial date has been scheduled, Plaintiff’s pretrial statement and requests for appearances of witnesses at trial are premature. Plaintiff is advised, that at the appropriate time, if he wishes to have the Court issue orders for incarcerated witnesses to attend his trial, he will need to follow the instructions set forth in the order the Court will provide to him. The Court will advise Plaintiff of

1 the required procedures for obtaining the attendance of witnesses at trial when that time draws nearer.  
2 However, the information Plaintiff provided in his recent motions will not be sufficient to justify the  
3 Court ordering the inmate-witnesses to appear at trial. (Docs. 112-119). Plaintiff is required to provide  
4 information including whether the witness is willing to attend the trial and the topics upon which the  
5 inmate is expected to testify and only witnesses with personal knowledge of the events will be allowed  
6 to testify.

7 Thus, Plaintiff's motions for attendance at trial of incarcerated witnesses Stubbs, Porter, Fane,  
8 Crayton, Lewis, Griffin, Hamilton and Quesada are **DENIED WITHOUT PREJUDICE** as premature.

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10 IT IS SO ORDERED.

11 Dated: March 14, 2012

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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