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

THORNELL BROWN,)	Case No.: 1:09-cv-00573 JLT
)	
Plaintiff,)	ORDER DENYING WITNESS' MOTION FOR
)	APPOINTMENT OF COUNSEL
vs.)	
)	
JAWAYNE FAMBROUGH, et al.,)	(Doc. 122)
)	
Defendant.)	
)	
)	
)	

Plaintiff Thornell Brown is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. His matter was previously set for trial in July 2012, but was re-set for trial on September 10, 2012.

On August 6, 2012, one of the witnesses in this case, Sean Slade (“the witness”), filed a motion asking this Court to appoint counsel for him to address his complaints about his July 2012 transfer from Calpatria State Prison to the Administrative Segregation at Kern Valley State Prison (“KVSP”) in preparation for Mr. Brown’s trial. (Doc. 122). The witness complains that during his time at KVSP, he was without access to any of the “common pleasures” offered a general population prisoner who has not violated any CDCR and “feels like these actions are an act of reprisal.” (Doc. 122). The witness states he believes he will have to repeat the same process when he is transported again for the new trial date in September. (Doc. 122).

1 While this Court has the ability to issue the Writ of Habeas Corpus Ad Testificandum to
2 require the witness be produced at trial, it cannot control how the California Department of
3 Corrections facilitates the witness' transportation to and from trial. Additionally, Mr. Slade is merely
4 a witness; he is not a party to this case. He does not have a constitutional right to counsel as a party in
5 this matter, let alone as witness. Furthermore, he cannot use Mr. Brown's case to adjudicate his own
6 legal matters. As a result, the witness' motion is DENIED.

7
8 IT IS SO ORDERED.

9 Dated: August 10, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE