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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

IREN ANDERSON,

CASE No. 1:09-cv-01924-LJO-MJS (PC)

Plaintiff,

ORDER DENYING PLAINTIFF'S MOTION  
TO COMPEL DEFENDANTS TO LODGE  
SURETY BOND FOR SAFETY OF  
PRISONER WITNESSES

v.

(ECF No. 67)

RON D. HANSEN, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff Iren Anderson, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on November 2, 2009 pursuant to 42 U.S.C. § 1983. (ECF No. 1.) This matter proceeds on his Second Amended Complaint claims of excessive force by Defendant Hansen, failure to protect against Defendant Hartley, and failure to intervene against Defendant Lewis. (ECF No. 20.) Defendants Hansen, Hartley, and Lewis have filed Answers. (ECF Nos. 25, 43.) This matter is in the discovery phase, with a discovery cut-off date of April 4, 2013. (ECF No. 66.)

Pending before the Court is Plaintiff's Motion to compel Defendants to lodge a surety bond for the safety of prisoner witnesses. (ECF No. 67.)

There is no basis in the facts or law for granting Plaintiff's Motion. Even if there were, the motion would be premature.

1 No trial date has been set. The Court will set a schedule for this litigation and  
2 provide for pre-trial and trial submittals and motions in due course. Fed. R. Civ. P.  
3 16(b). If appropriate, the court will issue an order providing for the transportation of trial  
4 witnesses.

5 Plaintiff has not, in any event, set forth any facts or legal authority supporting his  
6 request that Defendants bond for the safety of potential inmate witnesses. The Court is  
7 unaware of any.

8 Accordingly, it is HEREBY ORDERED that Plaintiff's Motion to compel  
9 Defendants to lodge surety bond for the safety of prisoner witnesses (ECF No. 67.) is  
10 DENIED.

11  
12 IT IS SO ORDERED.

13 Dated: March 16, 2013

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE