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

TYRONE NEWMAN,

 Plaintiff,

 v.

BRANDON, et al.,

 Defendant.

) Case No.: 1:10-cv-00687 AWI JLT (PC)
)
) ORDER ALLOWING INMATE WITNESSES, N.
) MEDINA AND M. PALENZUELA, TO APPEAR
) BY VIDEO CONFERENCE
)
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On August 30, 2012, the Court set an evidentiary hearing to determine the authenticity of declarations submitted by the parties signed by inmates, Norberto Medina and Miguel Palenzuela. Both signed two declarations; one for each party which contradict themselves. (Doc. 35-2 at 47-48; Doc, 35-2 at 50-51)

In recognition of the cost to transport and supervise the inmate-witnesses while they are away from the facility, Warden James D. Hartley is permitted to present these witnesses via video conference, on the following conditions:

1. Warden Hartley **SHALL** arrange a test of the video conference system with the Court’s system by contacting Courtroom Deputy Clerk, Susan Hall, at 661-326-6620. The test **SHALL** occur **no later than September 27, 2012;**

1 2. Warden Hartley **SHALL** make the inmate-witnesses available by 9:45 a.m. on October
2 10, 2012 and SHALL ensure they remain available until the Court excuses the witnesses;

3 3. Warden Hartley **SHALL** ensure the prison's video conference facilities are available
4 from 9:30 a.m. on October 10, 2012, until the conclusion of the evidentiary hearing on that date;

5 4. Warden Hartley **SHALL** alert the Court **no later than September 27, 2012**, if he
6 chooses to present the inmate-witnesses via video conference.

7 **If any of these conditions are not met, the inmate-witnesses SHALL be produced**
8 **pursuant to the Order & Writ of Habeas Corpus Ad Testificandum issued by this Court on**
9 **August 30, 2012.**

10 The Clerk of the Court is DIRECTED to fax a copy of this order to the Litigation Coordinator
11 at Avenal State Prison.

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13 IT IS SO ORDERED.

14 Dated: September 7, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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