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) AMENDED ORDER ALLOWING INMATE WITNESSES, N. MEDINA AND M. PALENZUELA, TO APPEAR BY VIDEO CONFERENCE

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**;

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

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

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

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

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

IT IS SO ORDERED.

Dated: **September 11, 2012** **/s/ Jennifer L. Thurston**
UNITED STATES MAGISTRATE JUDGE