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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MELVIN JOSEPH SIMMONS,
Plaintiff,
v.
DERAL G. ADAMS, et al.,
Defendants.

Case No. 1:10-cv-01259-LJO-SKO PC
ORDER DENYING MOTION FOR
ISSUANCE OF TRANSPORTATION WRIT
AS UNNECESSARY
(Doc. 89)

Plaintiff Melvin Joseph Simmons, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 14, 2010. This matter is currently set for jury trial on January 22, 2014. On October 7, 2013, Plaintiff filed a motion seeking the issuance of a writ of habeas corpus ad testificandum directing the Warden of Pelican Bay State Prison to transport him for trial. Defendant Sanders filed a statement of non-opposition on October 16, 2013.

It is unnecessary for Plaintiff to seek the issuance of a writ. If this matter is confirmed for trial during the hearing set for December 13, 2013, at which Plaintiff will appear by telephone, the Court will issue a writ directing his transportation following the hearing. It is not necessary for

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1 Plaintiff to file a motion seeking to attend trial in person and his motion is HEREBY DENIED on
2 that basis.

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5 IT IS SO ORDERED.

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7 Dated: November 13, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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