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

DANIEL MASTERSON,)	No. 1:11-cv-01179-DAD-SAB (PC)
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S MOTION
)	REQUESTING ISSUANCE OF AN ORDER
v.)	AND WRIT OF HABEAS CORPUS AD
)	TESTIFICANDUM FOR AN INMATE
S. KILLEN, et al.,)	WITNESS, AND A SUBPOENA FOR AN
)	OFFICER WITNESS
Defendants.)	
)	
)	(ECF No. 134)
)	

Plaintiff Daniel Masterson is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter is currently set for an evidentiary hearing on February 15, 2017 at 10:30 a.m. regarding the parties’ cross-motions for sanctions.

On February 10, 2017, Plaintiff filed the instant motion requesting issuance of an order and writ of habeas corpus ad testificandum for the presence of a prisoner witness, and subpoena for the presence of a correctional officer as a witness, at the upcoming hearing. (ECF No. 134.) The matters at issue in the hearing include whether two declarations submitted by Plaintiff were or were not signed by inmate Jaymes McCollum. Plaintiff seeks to have inmate John Erentereich and Officer D. Espinoza brought as witnesses to testify that inmate McCollum’s declarations were in fact signed by McCollum.

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Plaintiff's requests are denied. Inmate McCollum himself was ordered to be transported for the upcoming hearing, and will testify regarding his declarations at issue. The Court does not find it necessary require the presence of these additional, extrinsic witnesses.

Accordingly, it is HEREBY ORDERED that Plaintiff's motion requesting issuance of an order and writ of habeas corpus ad testificandum, and subpoena, filed February 10, 2017 (ECF No. 134), is DENIED.

IT IS SO ORDERED.

Dated: February 13, 2017


UNITED STATES MAGISTRATE JUDGE