



1 released without prejudice to the cause asserted. Wiggins v. County of Alameda, 717 F.2d 466, 468  
2 n.1 (9th Cir. 1983); see also Walker v. Sumner, 14 F.3d 1415, 1422 (9th Cir. 1994) (district court did  
3 not abuse its discretion when it concluded the inconvenience and expense of transporting inmate  
4 witness outweighed any benefit he could provide where the importance of the witness's testimony  
5 could not be determined), abrogated on other grounds by Sandin v. Conner, 515 U.S. 472 (1995).

6 Plaintiff submits that Mr. Thompson is currently housed at the California Institute of Men in  
7 Chino, California. On May 30, 2012, Mr. Thompson provided a written declaration stating that he  
8 witnessed Defendant Rodriguez taking "Johnson's arm, twisted it behind his back to his neck, then  
9 slammed his head forcibly on the desk. Due to the injury of inmate Johnson's arm, it needed  
10 immediate medical attention." (ECF No. 49, Motion Ex. A.) Plaintiff submits that Mr. Thompson is  
11 not willing to testify voluntarily and Court assistance is needed to cause the witness's custodian to  
12 bring him to Court.

13 Based on the foregoing, Plaintiff's motion for the attendance of incarcerated witness Roderick  
14 Germell Thompson, CDCR # AA3413, is GRANTED. The Court will issue the necessary  
15 transportation orders in due course.

16  
17 IT IS SO ORDERED.

18 Dated: June 23, 2015

  
UNITED STATES MAGISTRATE JUDGE