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6	UNITED STATES DISTRICT COURT		
<u>7</u>	EASTERN DISTRICT OF CALIFORNIA		
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9	EARL WARNER,	CASE NO. 1:12-cv-1146-LJO-MJS (PC)	
10	Plaintiff,	ORDER:	
11	V.	1) VACATING WRIT OF HABEAS	
12	MATTHEW L. CATE, et al.,	CORPUS AD TESTIFICANDUM TO TRANSPORT PLAINTIFF ON	
13	Defendants.	AUGUST 14, 2015 (ECF No. 67)	
14		2) ISSUING WRIT OF HABEAS CORPUS	
15		AD TESTIFICANDUM TO TRANSPORT PLAINTIFF ON	
16		SEPTEMBER 4, 2015	
17		DATE: September 4, 2015 TIME: 10:00 a.m.	
18		COURTROOM: 6 (MJS)	
19			
20	The Court has moved the evidentiary hearing in this case from August 14,		
21	2015 to September 4, 2015, at 10:00 a.m. Plaintiff's presence at the Court is no		
22	longer required on August 14, 2015, however he is required to be present on		
23	September 4, 2015.		
24	The Court vacates the writ of habeas corpus ad testificandum requiring		
25	Plaintiff's presence at the Court for the August 14 hearing. (ECF No. 67).		
26	In addition, the Court orders that a writ of habeas corpus be issued to transport		
27	Plaintiff Earl Warner to the rescheduled evidentiary hearing on September 4, 2015.		
28			

Inmate Earl Warner, CDCR # E-32637, a necessary and material witness on his own behalf in the proceedings in this case on September 4, 2015, is confined at California Men's Colony in the custody of the Warden. In order to secure this inmate's attendance, it is necessary that a *writ of habeas corpus ad testificandum* issue commanding the custodian to produce the inmate before United States Magistrate Judge Michael J. Seng at the U.S. District Court, Courtroom #6, 2500 Tulare Street, Fresno, California 93721, on Friday, September 4, 2015 at 10:00 a.m.

ACCORDINGLY, IT IS ORDERED that:

- 1. The writ of *habeas corpus ad testificandum* issued June 10, 2015 for Earl Warner appearance on August 14, 2015 (ECF No. 67) is VACATED; and
- 2. A writ of habeas corpus ad testificandum shall issue, under the seal of this court, commanding the Warden to produce the inmate named above to participate in the proceedings at the U.S. District Court, Courtroom #6, 2500 Tulare Street, Fresno, California 93721, on Friday, September 4, 2015 at 10:00 a.m., until completion of the proceedings or as ordered by Judge Seng.
- 3. The custodian is ordered to notify the court of any change in custody of this inmate and is ordered to provide the new custodian with a copy of this writ.

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

To the Warden of California Men's Colony:

WE COMMAND you to produce the inmate named above to appear before Judge Seng at the time and place above, until completion of the proceedings or as ordered by Judge Seng.

1	FURTHER, you have been ordered to notify the court of any change in custody	
2	of the inmate and have been ordered to pro-	vide the new custodian with a copy of this
3	writ.	
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5	IT IS SO ORDERED.	
6	Dated: <u>August 10, 2015</u>	1st Michael V. Seng
7		Isl Michael J. Seng UNITED STATES MAGISTRATE JUDGE
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