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6	UNITED STATES DISTRICT COURT	
7	EASTERN DISTRICT OF CALIFORNIA	
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9	OBIE LEE CRISP,	Case No. 1:13-cv-01899-AWI-SKO (PC)
10	Plaintiff,	ORDER GRANTING, IN PART, PLAINTIFF'S MOTION REGARDING
11	V.	TRANSPORTATION WRIT FOR
12	WASCO STATE PRISON, et al.,	SETTLEMENT CONFERENCE (Doc. 72)
13	Defendants.	
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15	Plaintiff, Obie Lee Crisp, III, is a state prisoner, proceeding pro se and in forma pauperis	
16	in this civil rights action under 42 U.S.C. § 1983. Both sides of this action indicated that they	
17	believed a court supervised settlement conference would be beneficial. Thus, on October 25,	
18	2016, the case was scheduled for a settlement conference with Magistrate Judge Kendall J.	
19	Newman at the U. S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #25	
20	on January 6, 2017 at 9:00 a.m. (Doc. 68.)	
21	On October 28, 2016, Plaintiff filed a motion for order and writ of habeas corpus ad	
22	testificandum to issue and requested that he be transported from his current facility of	
23	incarceration, California Health Care Facility ("CHCF"), to the settlement conference, and back	
24	to CHCF, on January 6, 2017. (Doc. 72.) Plaintiff requests same day transport and return as he is	
25	afraid that he will lose his assigned bed if he is away from CHCF for more than 48 hours. (Id.)	
26	The order setting the settlement conference indicated that a writ of habeas corpus ad	
27	testificandum would issue to ensure Plaintiff's attendance at the settlement conference. (Doc.	
28	68.) The Court has signed the <i>writ</i> and it is being processed for delivery to CHCF. This Court is	
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unable to require prison staff to ensure Plaintiff is transported to the settlement conference and
 back to CHCF within a given number of hours, as the Court's jurisdiction is limited to the parties
 in this action and to the cognizable legal claims upon which Plaintiff is proceeding. *Summers v. Earth Island Institute*, 555 U.S. 488, 492-93 (2009); *Mayfield v. United States*, 599 F.3d 964, 969
 (9th Cir. 2010).

This is not to say that Plaintiff's concern over possibly losing his assigned bed if he is
away from CHCF too long is not legitimate. Indeed, the fact that Plaintiff's medical condition
cannot be properly attended to at regular penal facilities gave rise to his claims in this action.
Thus, the Warden and the Litigation Office at CHCF are requested to look into the matter and
facilitate Plaintiff's transport for the settlement conference, ensuring that his assigned bed at
CHCF will not be jeopardized.¹

12 Accordingly, it is HEREBY ORDERED that Plaintiff's motion for writ of habeas corpus 13 ad testificandum, filed on October 28, 2016, is GRANTED in as much as a writ was recently 14 signed and is being processed for his transport, but his request to be transported and returned to 15 CHCF on the same day as the settlement conference is DENIED for lack of jurisdiction. The 16 Clerk's Office shall forward a copy of this order and Plaintiff's motion to the Warden's office and 17 to the Litigation Coordinator at California Health Care Facility to make them aware of Plaintiff's 18 concerns and take precautions to preserve his assigned bed for his continued use after the 19 settlement conference.

21 IT IS SO ORDERED.

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22 Dated: December 6, 2016

lst Sheila K. C

UNITED STATES MAGISTRATE JUDGE

<sup>28
&</sup>lt;sup>1</sup> How best to facilitate Plaintiff's attendance at the settlement conference and reservation of his assigned bed, in light of his housing status and other custody or classification factors, is left to the sound discretion of prison officials.