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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAMON ARCEO,
Plaintiff,
v.
J. GONZALEZ, et al.,
Defendants.

CASE NO. 1:13-cv-02083-MJS (PC)
**ORDER GRANTING PLAINTIFF'S
MOTION FOR ATTENDANCE OF
INCARCERATED WITNESSES
(ECF No. 42)**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds against Defendants Recio, Souvannkaham, and Gonzales on Plaintiff's Eighth Amendment excessive force and state law assault and battery claims.

Before the Court is Plaintiff's March 18, 2015 motion for the attendance of incarcerated witnesses at trial. Defendants filed no opposition.

Plaintiff seeks to have Inmates Davila, Ortega, and Basurto made available to testify at trial. He attests that all three witnesses have informed him they are willing to testify voluntarily.

Inmate Davila is expected to testify that he had a clear view of Plaintiff's cell, saw Defendants Recio and Souvannkaham enter Plaintiff's cell, and thereafter heard sounds of an altercation.

1 Inmate Ortega is expected to testify that his cell was below Plaintiff's. He saw
2 Defendants Recio and Souvannkaham climb the stairs and thereafter heard an
3 altercation. Afterward, he saw Defendant Gonzalez dragging and slamming Plaintiff
4 down the stairs. Other inmates called on Gonzalez to stop his actions. Gonzalez
5 responded, "Why do you guys care for this rapist?" and continued his conduct.

6 Inmate Basurto is expected to testify that his cell was below Plaintiff's. He saw
7 Defendants Recio and Souvannkaham climb the stairs and thereafter heard an
8 altercation. Afterward, he saw Defendant Gonzalez dragging and slamming Plaintiff
9 down the stairs. He and other inmates called on Gonzalez to stop his actions. Gonzalez
10 responded, "Why do you guys care for this rapist?" and continued his conduct.

11 Plaintiff has made a sufficient showing to warrant making these witnesses
12 available to testify at trial. Accordingly, his motion is HEREBY GRANTED. The Court will
13 issue a Writ for Transportation ad Testificandum for Inmates Davila, Ortega, and
14 Basurto.

15
16 IT IS SO ORDERED.

17 Dated: April 13, 2015

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE