



1 Baca, 747 F.3d 1162, 1170 (9th Cir. 2014). Plaintiff Charles W. Windham appeared on his own  
2 behalf. Counsel James Wilson telephonically appeared on behalf of Defendants.

3 Accordingly, it is HEREBY ORDERED as follows:

- 4 1. An evidentiary hearing is SET before the undersigned to decide the disputed issues of fact  
5 relating to the exhaustion of Plaintiff's claims, as stated in this Court's Findings and  
6 Recommendations regarding Defendants' Motion for Summary Judgment for Failure to  
7 Exhaust Administrative Remedies (ECF NO. 136);
- 8 2. The hearing will be held on **Thursday, May 10, 2018, at 10:00 a.m., in Courtroom 8,**  
9 **Sixth Floor of the United States District Court in Fresno, California.** The hearing will  
10 commence and be completed that day, and will be limited to the issue of whether Plaintiff  
11 is excused from the Prison Litigation Reform Act's exhaustion requirement because  
12 administrative remedies were "effectively unavailable;"
- 13 3. In preparation for the hearing, no later than **April 13, 2018**, the parties SHALL meet and  
14 confer, by telephone or in person, regarding the witnesses to be called and the evidence to  
15 be presented at the hearing;
- 16 4. No later than **April 13, 2018**, defense counsel shall file a statement setting forth the  
17 witnesses and documents Defendants intend to present at the hearing;
- 18 5. No later than **April 27, 2018**, Plaintiff shall file a statement setting forth the witnesses and  
19 documents Plaintiff intends to present at the hearing;
  - 20 a. For any witness, not listed by Defendants, that Plaintiff wishes to testify at the  
21 hearing, Plaintiff SHALL make an offer of proof as to the anticipated content of  
22 the testimony and how it is relevant to the issue of whether administrative  
23 remedies were effectively unavailable, as specifically related to Plaintiff; and
- 24 6. A separate order and writ of habeas corpus ad testificandum for Plaintiff will be issued.

25 IT IS SO ORDERED.

26 Dated: March 21, 2018

27 /s/ Barbara A. McAuliffe  
28 UNITED STATES MAGISTRATE JUDGE