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3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF CALIFORNIA  
5

6 MATTHEW JAMES GRIFFIN,

7 Plaintiff,

8 v.

9 GONZALES, et al.,

10 Defendants.  
11

1:15-cv-00577-AWI-EPG (PC)

ORDER DENYING PLAINTIFF’S MOTION  
FOR WRIT OF HABEAS CORPUS AD  
TESTIFICANDUM WITHOUT PREJUDICE  
AS MOOT

(ECF NO. 25)  
12

13 Matthew James Griffin (“Plaintiff”) is a former California state prisoner proceeding *pro*  
14 *se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.<sup>1</sup>

15 On January 12, 2017, Plaintiff filed what the Court construes as a motion for a Writ of  
16 Habeas Corpus ad Testificandum. (ECF No. 25). Plaintiff requests a Writ of Habeas Corpus  
17 ad Testificandum ordering the superintendent of the Alexander Correctional Institute to  
18 produce Plaintiff via a telephonic conference call.

19 The Court will deny Plaintiff’s motion, without prejudice, as moot. It is this Court’s  
20 procedure to issue the necessary Writs of Habeas Corpus ad Testificandum prior to a hearing,  
21 conference, or trial. The Court notes that Plaintiff is incarcerated in North Carolina and thus  
22 intends to issue a writ for participation in Court proceedings when required. Thus, Plaintiff  
23 does not need to file a request for a Writ prior to a scheduled hearing, conference, or trial.  
24 Therefore, Plaintiff’s motion will be denied as moot.

25 If the Court does not issue such a writ or Plaintiff believes something different is  
26 required, Plaintiff can file another motion for a specific writ related to a specific hearing in the  
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28 <sup>1</sup> Plaintiff is currently incarcerated in North Carolina.

1 future.

2 Accordingly, IT IS ORDERED that Plaintiff's motion for a Writ of Habeas Corpus Ad  
3 Testificandum is DENIED without prejudice as moot.

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5 IT IS SO ORDERED.

6 Dated: February 6, 2017

/s/ Eric P. Grogan  
7 UNITED STATES MAGISTRATE JUDGE