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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ELAINE K. VILLAREAL,

Plaintiff,

v.

COUNTY OF FRESNO,

Defendant.

Case No. 1:15-cv-01410-ADA-EPG (PC)
ORDER RE: PLAINTIFF’S COUNSEL’S
RESPONSE TO ORDER
(ECF No. 251)

On September 29, 2022, the Court directed Plaintiff’s counsel to file a notice informing the Court whether a writ of habeas corpus ad testificandum is necessary to secure Plaintiff’s attendance at the trial. (ECF No. 250). On September 30, 2022, Plaintiff’s counsel filed his response. (ECF No. 251).¹

In the response, Plaintiff’s counsel states that he does not believe that Plaintiff’s is in custody at this time, and thus a writ of habeas corpus ad testificandum is not necessary.

He also notes that this is subject to change. Finally, Plaintiff’s counsel states that “there may be other witness[es] for whom a writ will be necessary.” (Id. at 1).

As it appears that Plaintiff is not in custody at this time, the Court will not issue a writ of

¹ The Court appreciates Plaintiff’s counsel’s prompt response.

1 habeas corpus ad testificandum to secure Plaintiff's attendance at trial.

2 Additionally, the Court will not issue a writ to secure any other inmates' attendance at trial.
3 Plaintiff's counsel does not identify any other inmate witnesses for which a writ is necessary.
4 Moreover, the deadline to file motions for attendance of incarcerated witnesses has long since
5 passed. (See ECF No. 223).

6
7 IT IS SO ORDERED.

8 Dated: October 3, 2022

/s/ Eric P. Gray
9 UNITED STATES MAGISTRATE JUDGE

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