

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
9

10 JOHNNY C. THOMAS,
11 Plaintiff,
12 v.
13 MARK KUO,
14 Defendants.

Case No. 1:16-cv-00524-DAD-EPG (PC)
ORDER DIRECTING PARTIES TO
PROVIDE SUPPLEMENTAL BRIEFING
REGARDING PLAINTIFF'S MOTION
FOR ATTENDANCE OF AN
INCARCERATED WITNESS
(ECF No. 93)

15
16 Plaintiff, Johnny C. Thomas, is a state prisoner proceeding *in forma pauperis* with this
17 civil rights action filed pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff's Motion for
18 the Attendance of Incarcerated Witnesses, seeking attendance at trial of incarcerated witness
19 Hiram Summers, CDCR #K610052. (ECF No. 93.) Defendant has opposed the motion. (ECF
20 No. 95.)

21 At the time Plaintiff filed the motion, he was proceeding in this action *pro se*. Since
22 then, in October 2019, the Court appointed pro bono counsel to represent Plaintiff for trial.
23 (ECF No. 146.) Trial is currently set for May 5, 2020. (ECF No. 147.)

24 In light of the appointment of counsel to represent Plaintiff, and to assist the Court in
25 addressing the pending motion, the Court directs the parties to submit, by January 10, 2020,
26 supplemental briefing regarding the motion as follows:
27
28

1 Plaintiff shall address in his supplemental briefing (1) whether Plaintiff still seeks
2 attendance of incarcerated witness Hiram Summers, and (2) Defendant's objection that the
3 proposed testimony from the incarcerated witness is inadmissible hearsay (*see* ECF No. 95).

4 Defendant shall address in his supplemental briefing whether arrangements can be made
5 to have Mr. Summers testify at trial via video conference.

6
7 IT IS SO ORDERED.

8 Dated: December 3, 2019

9 /s/ Eric P. Groj
10 UNITED STATES MAGISTRATE JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28