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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNNY C. THOMAS,

Plaintiff,

v.

MARK KUO,

Defendant.

Case No. 1:16-cv-00524-ADA-EPG (PC)

ORDER REQUIRING PLAINTIFF’S
COUNSEL TO PROVIDE UPDATED
INFORMATION FOR WITNESS HIRAM
SUMMERS OR TO NOTIFY THE COURT
THAT A WRIT OF HABEAS CORPUS AD
TESTIFICANDUM IS NOT NECESSARY
TO SECURE THIS WITNESS’S
ATTENDANCE AT TRIAL

ORDER REQUIRING DEFENSE COUNSEL
TO NOTIFY COURT WHETHER A WRIT
OF HABEAS CORPUS AD
TESTIFICANDUM WILL BE NECESSARY
TO SECURE PLAINTIFF’S ATTENDANCE
AT TRIAL

FOURTEEN-DAY DEADLINE

Plaintiff, Johnny C. Thomas, is a state prisoner proceeding *in forma pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983.

On January 31, 2020, the Court granted Plaintiff’s motion for the attendance of incarcerated witnesses, and informed the parties that, “[a]pproximately one month before the trial the Court will issue [a] writ[] of habeas corpus ad testificandum to have Mr. Hiram Summers [CDCR #K61052] brought to the court to testify at the trial.” (ECF No. 154, p. 4). The trial is now set for November 22, 2022, at 8:30 a.m. (ECF No. 179). Given the length of time between when the

1 Court granted the motion for the attendance of incarcerated witnesses and the date of the trial, and
2 that the Court was unable to locate an inmate with CDCR #K61052 on the California Department
3 of Corrections and Rehabilitation’s Inmate Locator,¹ the Court will give Plaintiff’s counsel
4 fourteen days to provide updated information for Hiram Summers or to file a notice stating that a
5 writ of habeas corpus ad testificandum is not necessary to secure this witness’s attendance at the
6 trial.

7 Additionally, on May 17, 2022, Plaintiff’s counsel informed the Court that Plaintiff “has
8 been paroled.” (ECF No. 173). Given this, the Court will give Plaintiff’s counsel fourteen days
9 to notify the Court whether a writ of habeas corpus ad testificandum will be necessary to secure
10 Plaintiff’s attendance at the trial.

11 Accordingly, IT IS ORDERED that Plaintiff’s counsel has fourteen days from the date of
12 service of this order to:

- 13 1. Provide updated information for Hiram Summers or a notice stating that a writ of
14 habeas corpus ad testificandum is not necessary to secure this witness’s attendance
15 at the trial; and
- 16 2. Notify the Court whether a writ of habeas corpus ad testificandum will be
17 necessary to secure Plaintiff’s attendance at the trial.

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19 IT IS SO ORDERED.

20 Dated: September 9, 2022

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

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28 ¹ <https://inmatelocator.cdcr.ca.gov/search.aspx> (last visited September 9, 2022).