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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 RE: WRITS FOR INMATE
WITNESSES
(ECF No. 181)

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

On September 12, 2022, the Court issued an order giving Plaintiff’s counsel fourteen days to “1. Provide updated information for Hiram Summers or a notice stating that a writ of habeas corpus ad testificandum is not necessary to secure this witness’s attendance at the trial; and 2. Notify the Court whether a writ of habeas corpus ad testificandum will be necessary to secure Plaintiff’s attendance at the trial.” (ECF No. 181, p. 2). This fourteen-day deadline has passed, and Plaintiff’s counsel failed to respond to the Court’s order.

Given Plaintiff’s counsel’s failure to respond to the Court’s order, the Court will not issue a writ to secure the attendance of either Johnny Thomas or Hiram Summers at the trial, which is

1 currently set for November 22, 2022.¹
2 IT IS SO ORDERED.

3 Dated: October 6, 2022

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

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¹ Nothing in this order prevents Plaintiff or Hiram Summers from testifying voluntarily at the trial or prevents Plaintiff's counsel from issuing a subpoena to Hiram Summers.