

1 decision he is free to make.

2 The Court has ordered the plaintiff’s counsel, Mr. Karan, to report whether the settlement
3 conference may go forward in the plaintiff’s absence (Doc. 84) Mr. Karan reports that he disbelieves
4 the report that Mr. Cavanaugh refuses to be transported and questions whether the refusal relates to
5 this case or some other court proceeding. He offers no explanation that he has had recent contact with
6 Mr. Cavanaugh during which the plaintiff had expressed a desire to be present, or why people
7 completely unrelated to this action would seek to thwart Mr. Cavanaugh’s attendance at the settlement
8 conference. Indeed, the CDCR transports hundreds of inmates per year to this Court for court-related
9 purposes, and there have been few occasions on which inmates do not appear. This suggests that the
10 CDCR does not have a pattern of refusing to transport inmates to Court. Moreover, the email to the
11 Clerk of Court makes clear that though Mr. Cavanaugh was to begin his travels to Corcoran on August
12 13, 2019²--rather than appearing in Court on August 13, 2019, as Mr. Karan muses—the reason for the
13 transportation effort was in response to the writ issued by this Court.

14 Mr. Karan reports that he has been in contact with the Litigation Coordinator at CCI, where
15 Mr. Cavanaugh is currently housed. (Doc. 88 at 3-4) He does not report the response he has received
16 from the Litigation Coordinator and the Court suspects he hasn’t yet received one. Id. Nevertheless,
17 without demonstrating any basis for the Court’s jurisdiction to act, he urges the Court to order the
18 Warden at CCI to arrange a telephone call between Mr. Karan and Mr. Cavanaugh by the end of the
19 day. Though the Court has the authority to order the Warden to produce Mr. Cavanaugh pursuant to a
20 writ of habeas corpus ad testificandum, it lacks generalized authority over the CDCR—who is not a
21 party to this litigation—or its employees in general. Thus, Mr. Karan must proceed through the
22 normal channels for arranging a call with his client.

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² Mr. Karan does not suggest that Mr. Cavanaugh has any other court actions pending that would require transportation.

1 In the event Mr. Karan is unable speak with the plaintiff before the end of the day on August
2 15, 2019 and, therefore, cannot confirm he is vested with settlement authority as required by the
3 Court's August 12, 2019 order (Doc. 84), the Court will simply continue the settlement conference to
4 allow time for Mr. Karan to speak with Mr. Cavanaugh. The trial is not scheduled until November so
5 there is time to do so. Thus, based upon the foregoing, the request is **DENIED**.

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7 IT IS SO ORDERED.

8 Dated: August 14, 2019

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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