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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MARK SHANE THOMPSON,  
  
Plaintiff,  
  
v.  
  
A. GOMEZ, et al.,  
  
Defendants.

Case No. 1:18-cv-00125-SAB (PC)  
  
**ORDER DIRECTING PLAINTIFF'S  
APPEARANCE FOR TRIAL**  
  
(ECF No. 135)

Plaintiff Mark Shane Thompson is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On September 30, 2022, the Court directed Defendants to investigate and determine whether Plaintiff is refusing to be transported from California State Prison-Los Angeles County to California State Prison-Corcoran for an in-person appearance at the upcoming jury trial on October 17, 2022. (ECF No. 133.)

Defendants filed a response on October 5, 2022. (ECF No. 135.) Defendants submit:

Following the issuance of the Court's order, the Office of the California Attorney General contacted the LAC litigation coordinator to assist in investigating Plaintiff's reported refusal to be transported from LAC to COR for trial. The LAC litigation coordinator reviewed Plaintiff's inmate records and retrieved a CDCR Form 128-B general chrono dated September 28, 2022 documenting Plaintiff's refusal to be transported to COR for trial. (See Exhibit A to J. Orellana Decl.) As documented by LAC, they attempted to transport him per the Court's Writ of Habeas Corpus Ad Testificandum, but Plaintiff refused to transport. (Orellana Decl. ¶ 7, Exhibit B to J. Orellana Decl.). Thereafter, at the request of the Office of the California Attorney General, Plaintiff was interviewed

1 regarding his reported refusal to be transported for trial by LAC Correctional Counselor  
2 II Supervisor T. Trendera. (See T. Trendera Decl. at ¶ 3.) Plaintiff indicated that he was  
3 unwilling to be transported to COR for his trial. (Trendera Decl. ¶ 4). He claimed “mental  
4 health concerns” prevented an overnight stay at COR for trial and stated he would only  
5 be willing to appear at trial in person if he were to be daily transported back and forth to  
6 the Fresno federal courthouse from LAC. (*Id.* at ¶ 4.) However, transporting Plaintiff to  
7 and from the Fresno federal courthouse with overnight stays at LAC is not feasible due to  
8 the distance between LAC and Fresno. (*Id.* at ¶ 5.)

9 (ECF No. 135.)

10 As this case is currently set for jury trial on October 17, 2022, Plaintiff is ORDERED to  
11 be present at California State Prison-Corcoran on or before October 14, 2022, in order to  
12 logistically proceed with the trial. If Plaintiff refuses to be transported to California State Prison-  
13 Corcoran on or before October 14, 2022, this case will be dismissed, with prejudice. Local Rule  
14 110. If the Plaintiff refuses, then the defendants shall submit evidence of his refusal, including a  
15 declaration from the official that the Plaintiff is refusing to be transported for his trial.

16 IT IS SO ORDERED.

17 Dated: October 6, 2022

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20 UNITED STATES MAGISTRATE JUDGE