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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REX CHAPPELL,)	
)	2:02-cv-02299-GEB-KJM
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
D. MCCARGAR, D. HOFFMAN, M.)	
MARTEL, C. PLILER, and D. HAMAD,)	
)	
Defendants.)	
_____)	

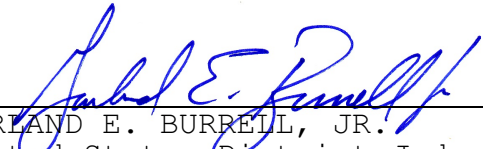
The undersigned judge was notified just before 10:00 a.m. on July 8, 2010, that Pelican Bay State Prison officials cannot comply with the Order & Writ of Habeas Corpus Ad Testificandum to produce inmate Eddie Young (Docket No. 153) unless they institute a cell extraction procedure because the inmate refuses to leave his cell to attend the trial. A prison official explained that a cell extraction involves a risk of injury to the inmate and could result in the inmate be unable to attend trial or attend trial with an injury. Under the circumstances, the previously issued Order & Writ of Habeas Corpus Ad Testificandum cannot be executed since enforcing it would require the inmate's forcible extraction from his cell.

The prison official indicated that the inmate's video appearance may be possible if timely notice is given concerning when the inmate's appearance is necessary. Should Plaintiff elect to produce the inmate by way of video appearance, Plaintiff must obtain a new writ for

1 the inmate's video appearance from the Magistrate Judge and make
2 appropriate arrangements with Pelican Bay State Prison through its
3 Litigation Department at (707) 465-9075 or (707) 465-9093.

4 IT IS SO ORDERED.

5 Dated: July 8, 2010

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9 GARLAND E. BURRELL, JR.
10 United States District Judge
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