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

JOHN DURRELL HOLCOMB,

Plaintiff,

No. CIV S-02-2417 LKK KJM P

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

ORDER

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Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. This matter is scheduled for evidentiary hearing on April 14, 2010. Plaintiff requests that the court issue a subpoena for Brian Chavez-Ochoa to appear at the hearing. The issuance of a subpoena is unnecessary as, by submitting Mr. Chavez-Ochoa's affidavit, defendants have indicated that Mr. Chavez Ochoa will be present at the hearing. See January 7, 2010 Order ¶ 7. Plaintiff will be allowed to cross examine Mr. Chavez-Ochoa at the hearing with respect to the information provided in Mr. Chavez-Ochoa's March 10, 2010 affidavit.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's "motion of request to subpoena whom named . . ." (#175) is denied.

DATED: April 1, 2010.

  
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U.S. MAGISTRATE JUDGE

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