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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VERNON WAYNE MCNEAL,  
Plaintiff,  
v.  
FLEMING, et al.,  
Defendants.

No. 02-cv-02524 MCE-JFM

**ORDER**

On December 12, 2012, Plaintiff filed a motion requesting that the Court order the Department of Corrections to “not separate [McNeal] from his legal work.” (ECF No. 239). McNeal’s motion is speculative; thus, it is DENIED at this time.

On December 5, 2012, the Court issued an order explaining that the Court “intends to proceed with retrial of this action on the existing record, including the exhibits finally admitted at trial following this court’s rulings on motions in limine. In addition, the Court will rely on the trial briefs and other documents tendered by the parties. For that reason, the Court will not set a further schedule for exchange of exhibits or filing of motions in limine or other trial documents.”

(ECF No. 237)


On December 17, 2012, Plaintiff requested that the Court issue a Writ of Habeas Corpus ad Testificandum securing Alvis Garrison’s (“Garrison”) presence at trial. (ECF No. 240)

1 Before the last trial, Plaintiff filed a motion asking the Court to excuse Garrison's  
2 presence at trial. (ECF No. 178). The Court canceled the Writ as to Garrison two days  
3 before trial. (ECF No. 180). Because Plaintiff excused Garrison's presence at the first  
4 trial, his request to make Garrison available for this trial is DENIED.

5 On January 2, 2012, McNeal filed a Motion for Subpoena Duces Tecum of Officer  
6 Batos. As explained above, Plaintiff's trial will precede exactly the same as the first one;  
7 thus, McNeal's request is DENIED pursuant to the Court's December 5, 2012 order  
8 (ECF No. 237).

9 IT IS SO ORDERED.

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11 Dated: January 9, 2013

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13 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
14 UNITED STATES DISTRICT COURT  
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