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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VANCE EDWARD JOHNSON,
Plaintiff,
v.
D.L. RUNNELS, et al.,
Defendants.

No. 2:04-cv-0776 TLN EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. The pretrial order in this action issued on March 6, 2015. ECF No. 275. Because Plaintiff had not complied with this court’s prior orders instructing him to file motions to obtain the appearance of his incarcerated witnesses accompanied by affidavits, the Court provided Plaintiff with additional time to file such motions. *Id.* at 12. Plaintiff has now filed two motions to obtain the appearance of dozens of incarcerated witnesses. ECF Nos. 282, 284. Plaintiff also asks that the Court allow many, if not all, of these witnesses to appear remotely. ECF Nos. 282, 283, 284. Lastly, Plaintiff asks that he himself be allowed to participate in the trial remotely, via videoconference. ECF No. 278.

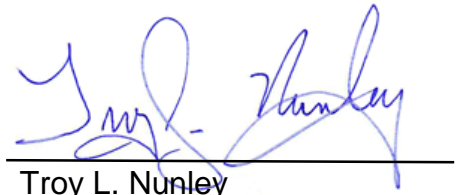
A preliminary review of Plaintiff’s witness motions reveals that the proposed incarcerated witnesses will testify generally to their experiences during the institutional lockdown that is the subject of this litigation. The presentation of the number of witnesses proposed by Plaintiff to all

1 testify on the same general facts would be an undue waste of time and needlessly present
2 cumulative evidence to the jury. Fed. R. Evid. 403. Accordingly, Plaintiff's motions to obtain
3 the appearance of incarcerated witnesses (ECF Nos. 282, 284) are denied without prejudice.
4 Within 14 days of the date of this order, Plaintiff shall submit a motion to obtain the attendance of
5 incarcerated witnesses limited to five incarcerated witnesses.

6 Plaintiff's motions for an order permitting the video or telephonic appearance at trial by
7 himself and his witnesses (ECF Nos. 278, 283) are also denied. The Court will issue the
8 necessary writ to ensure Plaintiff's appearance at trial, along with any writs necessary to ensure
9 the appearance of Plaintiff's five incarcerated witnesses (upon receipt of a proper motion and
10 affidavits to obtain their appearance).

11 So ordered.

12 Dated: June 2, 2015



Troy L. Nunley
United States District Judge

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