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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
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11	MERRICK JOSE MOORE, No. 2:04-cv-00871-MCE-EFB-P
12	Plaintiff,
13	v. <u>ORDER</u>
14	J. SLOSS, et al.,
15	Defendants.
16	/
17	Plaintiff is a prisoner without counsel seeking relief pursuant to 42 U.S.C. § 1983. On
18	July 27, 2009, plaintiff requested the attendance of three incarcerated witnesses at trial. Dckt.
19	No. 91. In his request, plaintiff summarized the expected testimony of these witnesses and
20	indicated that it is his "sincere belief" that the these witnesses are willing to testify voluntarily.
21	Id. at 2. Plaintiff also requested that the court direct his institution to provide him with access to
22	the telephone in order to contact and communicate with the incarcerated inmate witnesses, so
23	that he could verify that the incarcerated witnesses would testify voluntarily. Id. at 6.
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"An imprisoned witness cannot attend the trial on plaintiff's behalf unless this court
orders his custodian to bring him or her to court. The court will not make such an order unless
plaintiff requests it in his pretrial statement and his request is supported by plaintiff's statement
that the witness has affirmed he will testify according to [plaintiff's summary of the witness's
expected testimony]." Dckt. No. 28 at 2. Based on plaintiff's summary of the expected
testimony of the three incarcerated witnesses, and his sincere belief that these witnesses are
willing to testify voluntarily, the court will, by separate orders, direct their custodians to bring
them to court. Accordingly, it is hereby ORDERED that plaintiff's request for an order directing
his institution to allow him to communicate with these witnesses, is DENIED as unnecessary.

Dated: December 10, 2009

MORRISON C. ENGLAND) JR. UNITED STATES DISTRICT JUDGE