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

BENJAMIN ELLIS,

No. CIV S-04-1483-LKK-CMK

Plaintiff,

vs.

ORDER

ALBONICO, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to the stipulation of the parties, the order and writ of habeas corpus testificandum issued as to inmate David Turner (see Doc. 161), issued on March 26, 2010, is vacated. Mr. Turner will not be called as a witness at time of trial. The Clerk of the Court is directed to serve a copy of this order on the Out-To-Court Desk, California State Prison – Sacramento, P.O. Box 686, Soledad, California 93960-0686.

IT IS SO ORDERED.

DATED: April 7, 2010



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE