

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

DEAN DRAKE,

Plaintiff,

No. CIV S-05-2075 JAM GGH P

vs.

MIKE WHITE, et al.,

Defendants.

ORDER

On May 27, 2010, the undersigned issued a pretrial order. On June 15, 2010, plaintiff filed objections. In the pretrial order plaintiff was precluded from calling an inmate witness because plaintiff had failed to follow the proper procedures in obtaining an inmate witness at trial. Plaintiff again requests the inmate witness and now, for the first time, requests a non-incarcerated witness. Plaintiff has again failed to follow the procedures for obtaining witnesses to testify at trial. Simply requesting to the undersigned that witnesses testify is insufficient. The court has repeatedly outlined the proper procedures, but plaintiff has failed to follow them. These witnesses will not be permitted to testify at trial.¹

Accordingly, IT IS HEREBY ORDERED that

1. Plaintiff's June 15, 2010, objections will be disregarded for the reasons stated

¹ The court also notes that the non-incarcerated witness is a psychologist who allegedly treated plaintiff at the prison. It's not clear how this witness would be relevant as the instant case involves accusation of excessive force against two guards and the witness is not alleged to have witnessed the incident.

1 above;

2 2. Plaintiff's June 15, 2010, motion to obtain witness (Doc. 95) is denied.

3 DATED: July 6, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH: AB
drak2075.ord

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26