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

BYRON EUGENE JOHNSON,

Plaintiff,

No. CIV S-05-2123 KJM EFB P

vs.

DAVID L. RUNNELS, et al.,

Defendants.

ORDER

_____ /

This matter comes before the court upon defendants’ request that the trial confirmation hearing be conducted telephonically (ECF 145) and plaintiff’s request for an extension of time to comply with a portion of the pretrial order (ECF 142). (ECF 146.) The Court hereby DENIES defendants’ motion and GRANTS plaintiff’s motion, for reasons stated below.

Defense counsel contends there are obstacles preventing plaintiff’s production at the trial confirmation hearing via videoconferencing. Specifically, defense counsel informs the court that neither of the videoconferencing systems at High Desert State Prison (“HDSP”) are working and that the Litigation Coordinator at HDSP informed counsel that there is no videoconferencing system at California Correction Center (“CCC”). (ECF 145 ¶¶ 4-6.) The trial confirmation hearing is the last opportunity for the court to consult with the parties prior to trial,

1 to confirm important details and lay the groundwork to ensure trial runs smoothly. To this end,
2 it is important that the court be able to have full fledged discussions with plaintiff and defense
3 counsel. While the court remains amenable to plaintiff's appearing by videoconference if that
4 can be arranged, on the present record the court concludes it cannot. Accordingly, the court
5 hereby ORDERS that both plaintiff and defense counsel appear in person at the April 6, 2011
6 trial confirmation hearing. An appropriate writ of habeas corpus ad testificandum shall be issued
7 for plaintiff.

8 Plaintiff has shown that good cause exists for the court to grant his request for an
9 extension of time to respond to the portion of the pretrial order stating: "All parties shall mail
10 copies of their exhibits, schedules, and summaries and other items they anticipate offering into
11 evidence to all other parties within fourteen days of the day this order becomes final. Objections
12 to a party's items sought to be introduced into evidence shall be filed fourteen days before trial."
13 (ECF 142 at 5.) The court GRANTS plaintiff's request for an extension of time to comply with
14 this order. Plaintiff is hereby ORDERED to mail copies of the exhibits, schedules, and
15 summaries and other items he anticipates offering into evidence to defendants no later than April
16 1, 2011, and to bring copies with him to the trial confirmation hearing.

17 IT IS SO ORDERED.

18 DATED: March 22, 2011.

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21 UNITED STATES DISTRICT JUDGE
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