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

KEVIN L. DECKER,

Plaintiff,

No. 2:07-cv-1379 FCD JFM (PC)

vs.

BRONZON YSLAS,

ORDER

Defendants.

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Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights complaint pursuant to 42 U.S.C. § 1983. On December 31, 2008, plaintiff filed a motion for copy of witness list. Plaintiff asks the court to give him a copy of the witness' name list given to attorney Wendy Motooka and defendants and the Eastern District Court Clerk. However, a review of the court docket does not reflect the filing of a witness list by plaintiff. Accordingly, plaintiff's December 31, 2008 motion is denied without prejudice.

On January 30, 2009, plaintiff filed a request for extension of time in which to file his pretrial statement. However, on February 2, 2009, plaintiff filed his pretrial statement. Plaintiff's extension of time will be granted and his February 2, 2009 pretrial statement will be deemed timely filed.

Plaintiff's request for appointment of counsel is denied for the same reasons set forth in this court's August 22, 2008 order.

1 Plaintiff also asks the court to send him a copy of Dr. Mark Lee's deposition "I  
2 sent you." (Id. at 1.) The docket does not reflect that plaintiff sent the court a copy of Dr. Lee's  
3 deposition. Rather, on August 12, 2008, defendant lodged the depositions of Dr. Lee and  
4 plaintiff. Plaintiff may obtain copies of the deposition transcript from the court clerk, Local Rule  
5 80-170, by contacting Attorney's Diversified Services (ADS), 1424 21st Street, Sacramento, CA  
6 95814. Their phone number is 916-441-4396. In Forma Pauperis status does not include the cost  
7 of copies.

8 Appended to plaintiff's February 2, 2009 pretrial statement is a purported list of  
9 witnesses. However, plaintiff has failed to file a motion for the attendance of these witnesses as  
10 required by the court's prior scheduling orders. (February 25, 2008 Scheduling Order at 2-4;  
11 December 17, 2008 Further Scheduling Order at 2-4.) Plaintiff has not advised the court whether  
12 these incarcerated witnesses have agreed to testify voluntarily, nor has plaintiff provided an  
13 affidavit demonstrating that each witness was an eye- or ear- witness to the events at issue herein.  
14 Plaintiff must provide specific information that the witness has personal knowledge about what  
15 the incident was, when and where it occurred, who was present, and how the prospective witness  
16 happened to be in a position to see or to hear what occurred at the time it occurred. (Id.)  
17 Plaintiff will be granted an additional thirty days in which to file his motion for the attendance of  
18 witnesses. Plaintiff is cautioned that failure to comply with the requirements set forth in this  
19 court's scheduling orders will result in an order denying the attendance of these witnesses at trial.

20 Accordingly, IT IS HEREBY ORDERED that:

- 21 1. Plaintiff's December 31, 2008 motion (#47) is denied without prejudice.
- 22 2. Plaintiff's January 30, 2009 motion for extension of time (#49) is granted. The  
23 February 2, 2009 pretrial statement is deemed timely filed.
- 24 3. Plaintiff shall file his motion for witnesses on or before March 2, 2009;  
25 defendants' pretrial statement shall be filed March 16, 2009.

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4. The pretrial conference on the papers is continued from February 27, 2009 to March 27, 2009 before the undersigned.

5. Plaintiff's January 30, 2009 motion for appointment of counsel is denied.

DATED: February 3, 2009.

  
UNITED STATES MAGISTRATE JUDGE

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