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

ABEL CANO,

Plaintiff,

No. CIV S-07-2203 KJM GGH P

vs.

B. NAKU, et al.,

Defendants.

ORDER

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By an order, filed on June 23, 2011, this court informed the parties of the trial confirmation hearing set for August 24, 2011, at 11:00 a.m. before District Judge Mueller, wherein plaintiff was to appear via video conferencing, and the jury trial to be held before Judge Mueller on October 24, 2011, at 9:00 a.m. Subsequently, defendant's counsel informed the Clerk's Office that plaintiff is due to be paroled on or about August 14, 2011. Should plaintiff be released from prison prior to the date of the trial confirmation hearing, obviously the prison could not produce plaintiff for a video appearance at the hearing.

Accordingly, IT IS ORDERED that:

1. The court will issue a writ for plaintiff's video conference appearance at the appropriate time in advance of the trial confirmation hearing;
2. Thereafter, the California Department of Corrections and Rehabilitation is to

1 inform the court should plaintiff be released from parole prior to the August 24, 2011, trial  
2 confirmation hearing;

3 3. If plaintiff is paroled before the date of the trial confirmation hearing, the  
4 writ will be vacated and plaintiff must appear in person at the hearing;

5 4. The Clerk shall serve a copy of this order on the warden of the prison where  
6 plaintiff is currently incarcerated and on the Out-to-Court Desk.

7 5. In either case, the parties remain obligated to exchange trial exhibits by mail  
8 no later than twenty-one (21) days before the August 24, 2011, trial confirmation hearing.

9 DATED: June 28, 2011

/s/ Gregory G. Hollows

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11 GREGORY G. HOLLOWES  
12 UNITED STATES MAGISTRATE JUDGE

12 GGH:009  
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