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

MICHAEL SMITH,

Plaintiff,

No. 2:08-cv-2492-LKK-JFM (PC)

vs.

R. STOVALL, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Defendants have filed two motions to compel plaintiff's deposition and for monetary sanctions pursuant to Federal Rules of Civil Procedure 16, 20 and 37. Plaintiff has opposed the motions.

After review of the record herein, and good cause appearing, this court will issue a writ of habeas corpus ad testificandum for plaintiff's presence at this courthouse so that counsel may take his deposition. Said deposition shall take place at the earliest date available to counsel for defendants after July 14, 2010.

Accordingly, IT IS HEREBY ORDERED that on or before 4:30 p.m. Wednesday, June 30, 2010, counsel for defendants shall file and serve a written notice of deposition setting

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1 plaintiff's deposition in accordance with this order. A writ of habeas corpus ad testificandum for
2 plaintiff's presence at the deposition will be issued thereafter. Plaintiff is cautioned that failure
3 to appear and cooperate in the taking of his deposition will result in a recommendation that this
4 action be dismissed.

5 DATED: June 29, 2010.

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8 UNITED STATES MAGISTRATE JUDGE

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