

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

GARY R. XAVIER,

Plaintiff,

No. 2:09-cv-0783 KJM CKD P

vs.

M. FRENCH, et al.

Defendants.

**AMENDED ORDER & WRIT OF HABEAS
CORPUS AD TESTIFICANDUM**

Gary R. Xavier, inmate # J-20637, a necessary and material witness in proceedings in this case on August 22, 2017, is confined in Salinas Valley State Prison, in the custody of the Warden; in order to secure this inmate's attendance it is necessary that a Writ of Habeas Corpus ad Testificandum issue commanding the custodian to produce the inmate in Court, 8th Floor, Courtroom 25, United States District Courthouse, 501 I Street, Sacramento, California on **August 22, 2017, at 9:00 a.m.**

ACCORDINGLY, IT IS ORDERED that:

1. The previous order and writ of habeas corpus ad testificandum (ECF. No.148) is hereby vacated;
2. A Writ of Habeas Corpus ad Testificandum issue, under the seal of this court, commanding the Warden to produce the inmate named above to testify in United States District Court at the time and place above, and from day to day until completion of court proceedings or as ordered by the court; and thereafter to return the inmate to the above institution;
3. The custodian is ordered to notify the court of any change in custody of this inmate and is ordered to provide the new custodian with a copy of this writ; and
4. The Clerk of the Court is directed to serve a courtesy copy of this order and writ of habeas corpus ad testificandum on the Out-To-Court Desk, California State Prison - Sacramento, P.O. Box 290007, Represa, California 95671.
5. The Clerk of the Court shall send a courtesy copy of this order and writ by fax to the Litigation Coordinator at Salinas Valley State Prison at 831-678-5544.

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

To: The Warden, Salinas Valley State Prison, P.O Box 1020, Soledad, California, 93960

WE COMMAND you to produce the inmate named above to testify before the United States District Court at the time and place above, and from day to day until completion of the proceedings or as ordered by the court; and thereafter to return the inmate to the above institution.

FURTHER, you have been ordered to notify the court of any change in custody of the inmate and have been ordered to provide the new custodian with a copy of this writ.

Dated: August 17, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE