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

ARTHUR CARR,

Plaintiff,

No. 2:09-cv-0826 GEB KJN P

vs.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding without counsel and in forma pauperis with a civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff has identified three inmates who witnessed the March 10, 2008 incident at issue herein. (Dkt. No. 46 at 11, 14.) Plaintiff has been unable to correspond with such witnesses and thus has not yet determined whether they will testify voluntarily or involuntarily. Correspondence between plaintiff and these inmates will not provide the verified information plaintiff requires to comply with the court’s February 24, 2010 scheduling order.

Good cause appearing, the court will seek the testimony of inmates Kevin Green, Leslie Jones, and Terrell Woodard, three incarcerated inmates who allegedly have actual knowledge of facts relevant in the instant action. Because plaintiff is unable to determine

1 whether these witnesses will testify voluntarily or involuntarily, the court will direct these  
2 incarcerated witnesses to inform the court as to whether they have eye- or ear-witness testimony  
3 to offer during the jury trial, and whether they will testify voluntarily or refuse to testify  
4 voluntarily.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The court seeks the testimony of inmates Kevin Green, Leslie Jones, and  
7 Terrell Woodard, three incarcerated inmates, and will direct their responses as set forth below.

8 2. The Clerk of the Court is directed to send a copy of this order to each of the  
9 following inmates:

10 A. Kevin Green, K-56215, Location—California State Prison, Sacramento,  
11 Prison Road, P.O. Box 290002, Represa, CA 95671-0002.

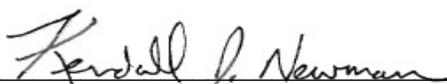
12 B. Leslie Jones, K-27781, Location—California State Prison, Solano, 2100  
13 Peabody Road, P.O. Box 4000, Vacaville, CA 95696-4000.

14 C. Terrell Woodard, T-53043, Location--California State Prison, Solano,  
15 2100 Peabody Road, P.O. Box 4000, Vacaville, CA 95696-4000.

16 3. The Clerk of the Court shall provide each inmate listed in paragraph 2 above  
17 with a postage-paid envelope addressed to the court.

18 4. Within thirty days from the date of this order, inmates Kevin Green, Leslie  
19 Jones and Terrell Woodward shall complete and return, in the postage-paid, self-addressed  
20 envelope provided, the attached notice re potential witness.

21 DATED: June 18, 2010

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25 KENDALL J. NEWMAN  
26 UNITED STATES MAGISTRATE JUDGE

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

ARTHUR CARR,

Plaintiff,

No. 2:09-cv-0826 GEB KJN P

vs.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS, et al.,

NOTICE RE POTENTIAL WITNESS

Defendants.

\_\_\_\_\_ /

Plaintiff sustained an injury on March 10, 2008, at California State Prison-Solano.

Potential witness \_\_\_\_\_ responds to this court's June, 2010 order as follows

(please check all that apply):

\_\_\_\_\_ I have eye- or ear-witness testimony to offer during the jury trial concerning the events on or about March 10, 2008, at CSP-Solano.

\_\_\_\_\_ I am willing to testify voluntarily on behalf of plaintiff Carr.

\_\_\_\_\_ I do not remember any events on or about March 10, 2008, and have no pertinent testimony to offer.

\_\_\_\_\_ I refuse to testify voluntarily.

I declare under penalty of perjury that the above and foregoing is true and correct.

DATED:

\_\_\_\_\_  
Witness (sign, print name & address)