

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 an inmate who witnessed the March 10, 2008 incident at issue herein. (Dkt. No. 51.) Plaintiff has been unable to correspond with him and thus has not yet determined whether he will testify voluntarily or involuntarily. Correspondence between plaintiff and this inmate 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 inmate Robert Gallegos, #P-18916, an incarcerated inmates who allegedly has actual knowledge of facts relevant in the instant action. Because plaintiff is unable to determine whether this witness will testify voluntarily or involuntarily, the court will direct inmate Gallegos to inform the court as to

1 whether he has eye- or ear-witness testimony to offer during the jury trial, and whether he will  
2 testify voluntarily or refuse to testify voluntarily.

3 Accordingly, IT IS HEREBY ORDERED that:

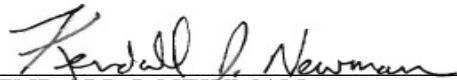
4 1. The court seeks the testimony of inmate Robert Gallegos, #P-18916, an  
5 incarcerated inmate, and will direct his responses as set forth below.

6 2. The Clerk of the Court is directed to send a copy of this order to Robert  
7 Gallegos, #P-18916, Location--San Quentin State Prison, San Quentin, CA 94964.

8 3. The Clerk of the Court shall provide inmate Gallegos with a postage-paid  
9 envelope addressed to the court.

10 4. Within thirty days from the date of this order, inmate Robert Gallegos shall  
11 complete and return, in the postage-paid, self-addressed envelope provided, the attached notice re  
12 potential witness.

13 DATED: July 7, 2010

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17 KENDALL J. NEWMAN  
18 UNITED STATES MAGISTRATE JUDGE

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26 carr0826.affb

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## 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 July, 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:

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Witness (sign, print name & address)