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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM TOWNSEND, JR.,
Plaintiff,
v.
D.K. SISTO, et al.,
Defendants.

No. 2:09-cv-2342 CKD P

ORDER

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. Plaintiff, currently housed at California State Prison, Sacramento, seeks an order directing prison officials to permit plaintiff to speak with potential trial witness inmate Dwayne Harvest, currently housed at Folsom State Prison. Good cause appearing, IT IS HEREBY ORDERED that


1. By no later than September 9, 2016, the Wardens at California State Prison, Sacramento and Folsom State Prison shall permit plaintiff William Townsend (P-10944) to communicate with Duane Harvest (H-89912) so that plaintiff may ascertain whether Mr. Harvest is an appropriate witness for trial in this matter and whether he is willing to testify. The Warden at California State Prison, Sacramento (or his designee) shall provide confirmation by telephone to Courtroom Deputy Kyle Owen, (916) 930-4004, within 24 hours of plaintiff being permitted to speak with inmate Harvest. Failure to comply with this order may result in sanctions.

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2. The Clerk of the Court shall serve this order on the Wardens at California State Prison, Sacramento and Folsom State Prison by mail and facsimile.

3. If plaintiff wishes to call Mr. Harvest as a witness at trial, he must comply with the requirements found in the court's October 22, 2103 order concerning the procedures for obtaining attendance of incarcerated witnesses at trial. If plaintiff does not comply with those requirements by October 1, 2016, the court will not issue a writ of habeas corpus ad testificandum for Mr. Harvest's presence at trial.

Dated: August 25, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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