

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

DANIEL CRUZ,

Plaintiff,

No. 2:10-cv-1162 KJM EFB P

vs.

MICHAELS, et al.,

Defendants.

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

Daniel Isadore Cruz, CDCR # K-54445, a necessary and material witness in a settlement conference in this case on June 10, 2013, is confined in Richard J. Donovan Correctional Facility (RJD), 480 Alta Road San Diego, California 92179, 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 before Magistrate Judge Kendall J. Newman at the U. S. District Court, Courtroom #25, 501 I Street, Sacramento, California 95814, on Monday, June 10, 2013 at 9:00 a.m.

ACCORDINGLY, IT IS ORDERED that:

1. The Writ of Habeas Corpus ad Testificandum issued on April 5, 2013 (Dckt. No. 67) is vacated.¹

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 participate in a settlement conference at the time and place above, until completion of the settlement conference or as ordered by Judge Kendall J. Newman; and

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.

4. The Clerk of the Court is directed to serve a copy of this order on the Litigation Office at RJD via facsimile at (619) 671-7566.

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

To: Warden, RJD, 480 Alta Road, San Diego, California 92179:

WE COMMAND you to produce the inmate named above to testify before Judge Newman at the time and place above, until completion of the settlement conference or as ordered by Judge Newman.

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: May 1, 2013.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

¹ That writ incorrectly identified plaintiff as "David" not Daniel Cruz.