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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES CATO,
Plaintiff,
v.
M. DARST, et al.,
Defendants.

No. 2:14-cv-0959 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. This action is set for an evidentiary hearing before the undersigned on November 9, 2015, regarding whether plaintiff exhausted administrative remedies. Pending before the court is plaintiff’s motion for an inmate witness. (ECF No. 43.) On September 21, 2015, defendants filed an opposition to this motion. (ECF No. 45.) For the following reasons, plaintiff’s motion for an inmate witness is denied.

On December 15, 2014, defendants filed a motion for summary judgment on the grounds that plaintiff failed to exhaust administrative remedies. (ECF No. 24.) On July 20, 2015, the undersigned vacated defendants’ summary judgment motion and ordered an evidentiary hearing as to the issue of plaintiff’s administrative exhaustion. (ECF No. 41.) The undersigned found that an evidentiary hearing was warranted to address plaintiff’s claim that prison officials refused to process his administrative grievances. (Id.)

1 In the pending motion, plaintiff requests that he be permitted to call Inmate Jesse King as
2 a witness. Plaintiff alleges that inmate King can testify regarding the “interference and
3 obstruction” he, inmate King, experienced regarding the processing of his administrative
4 grievances. On September 4, 2015, the court received a declaration from inmate King describing
5 the problems he, inmate King, has faced in the processing of his own administrative grievances.

6 Plaintiff has not demonstrated that inmate King has any knowledge regarding the issue to
7 be addressed at the administrative hearing, i.e., prison officials’ alleged failure to process
8 plaintiff’s administrative grievances. Inmate King’s testimony regarding the processing of inmate
9 King’s administrative grievances is not relevant to the issue to be addressed at the administrative
10 hearing. For this reason, plaintiff’s motion to call inmate King as a witness is denied.

11 Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion to call an inmate witness
12 (ECF No. 43) is denied.

13 Dated: September 24, 2015

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE