

1 Plaintiff's renewed motion seeks an order for the attendance of incarcerated
2 individuals. See ECF No. 142. Plaintiff states that the Court has determined that inmates Gilbert
3 Berry, Daniel Evans, and Anthony Tarkington have relevant information and he now seeks writs
4 of habeas corpus ad testificandum as to these individuals. See id. at 1. Plaintiff next states that
5 inmate Gregory Norwood "was deemed to have a current affidavit so will voluntarily brought to
6 trial." Id. Finally, Plaintiff states that the Court previously denied his motion as to inmates Lloyd
7 Olson and D. Whittey because Plaintiff had not established that these individuals have relevant
8 knowledge. See id. Plaintiff's current renewed motion seeks an order for the attendance of
9 inmates Olson and Whittey and does not otherwise address the other inmates listed above. The
10 Court, therefore, addresses only Olson and Whittey.²

11 As to inmate Olson, Plaintiff now states that Mr. Olson will testify that, as an
12 office clerk, Olson typed rules violation reports regarding incidents similar to the incident
13 involved in Plaintiff's case. See id. Plaintiff states that inmate Whittey will testify that, as
14 Chairman of the prison Men's Advisory Council, Whittey counseled other inmates with claims
15 similar to Plaintiff's claims in this case. See id. As Defendants note in their opposition briefs,
16 Plaintiff continues to fail to indicate that either inmate has personal knowledge of facts particular
17 to Plaintiff's case. Plaintiff has been previously advised of the requirement to indicate that
18 proposed incarcerated witnesses must have personal first-hand knowledge of relevant facts.
19 Nonetheless, Plaintiff's renewed motion continues to suffer from this defect.

20 Accordingly, IT IS HEREBY ORDERED that Plaintiff's renewed motion, ECF
21 No. 142, for the attendance of incarcerated witnesses is denied without prejudice to a further
22 request, supported by the showing of witness firsthand knowledge, as described above.

23 Dated: December 29, 2022

24 
25 DENNIS M. COTA
26 UNITED STATES MAGISTRATE JUDGE

27 ² Though Plaintiff states that the Court has granted prior motions for the attendance of inmates
28 Gilbert Berry, Daniel Evans, and Anthony Tarkington, the record does not reflect any such orders. To the contrary,
Plaintiff's prior motions as to these inmates have been denied. See ECF Nos. 109-115.