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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALLEN HAMMLER,

Plaintiff,

v.

HAAS, et al.,

Defendants.

No. 2:15-cv-2266 JAM AC P

ORDER

Plaintiff is a state prisoner proceeding pro se with this civil rights case against defendant correctional officers Louie and Haas on claims they failed to protect plaintiff from assault by other inmates on March 16, 2015, at High Desert State Prison. Trial commences in this case on April 20, 2020, before the Honorable John A. Mendez. The Pretrial Order issued on June 4, 2019. ECF No. 85.

Presently pending are two motions filed by plaintiff on February 18, 2020: (1) a motion for issuance of writs of habeas corpus ad testificandum to provide for the trial attendance of his incarcerated witnesses, ECF No. 87; and (2) a motion to modify the Pretrial Order to name one additional witness, ECF No. 88.

Defendant Louie has filed an opposition to plaintiff's first motion. ECF No. 89. Due to the approaching trial date, any further opposition to either of plaintiff's motions shall be filed and

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1 served on or before Friday, March 6, 2020 (rather than the deadline set forth by Local Rule
2 230(1)).

3 Meanwhile, plaintiff will be required to prepare, file and serve a response that addresses,
4 for each of his proposed witnesses, the concerns raised by defendant Louie. Plaintiff's reply to
5 Louie's opposition must be submitted to prison officials for mailing no later than Friday, March
6 13, 2020. Plaintiff shall not respond to any other matters filed by defendants unless ordered by
7 the court.

8 Plaintiff is informed that this court can issue writs of habeas corpus ad testificandum only
9 for presently incarcerated individuals who are identifiable by inmate number and whose place of
10 incarceration is known. Review of CDCR's Inmate Locator¹ demonstrates that two of plaintiff's
11 identified witnesses, Anthony Mitchell and [First Name Unknown] Reid, are not listed under the
12 inmate numbers provided by plaintiff. The Inmate Locator includes several individuals with the
13 same names, but none have inmate numbers close to those provided. Plaintiff did not provide an
14 inmate number for a third witness, Cory Mitchell, and his name does not appear in the Inmate
15 Locator. Further, CDCR's Inmate Locator presently lists two of plaintiff's witnesses, Abraham
16 Deashawn Adams and Dannell Lee Richard, as Out to Hospital.

17 As a result, at present, only six of plaintiff's witnesses are presently available to testify at
18 trial: Kenneth Patterson CDCR # AB6602 (CSP-SAC), Robert Santoro CDCR # T40346
19 (KVSP), Larry Alford CDCR # AU8727 (CSP-SAC), Kenyon Lee McClelland CDCR # T19229
20 (CSP-LAC), Easter Burnett CDCR # V35245 (CMF), and Ramon Guillermo Morales-Smith
21 CDCR # F21867 (CSP-SAC). Therefore, plaintiff's reply to defendant Louie's opposition should
22 focus primarily on these potential witnesses. Additionally, plaintiff should inform the court by
23 affidavit whether or not his proposed new witness, Timothy Bradford Cole, CDCR #V18610
24 (CSP-COR), has agreed to testify voluntarily.

25 _____
26 ¹ See <http://inmatelocator.cdcr.ca.gov/> This Court may take judicial notice of facts that are
27 capable of accurate determination by sources whose accuracy cannot reasonably be questioned.
28 See Fed. R. Evid. 201; see also City of Sausalito v. O'Neill, 386 F.3d 1186, 1224 n.2 (9th Cir.
2004) ("We may take judicial notice of a record of a state agency not subject to reasonable
dispute.").

1 A writ of habeas corpus ad testificandum will issue contemporaneously with this order to
2 provide for plaintiff's presence at trial. Ruling on plaintiff's other requested writs will follow the
3 briefing here ordered.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Defendants shall file and serve any further opposition to plaintiff's pending motions on
6 or before Friday, March 6, 2020.

7 2. Plaintiff shall file and serve (submit to prison officials for mailing) his reply to Louie's
8 opposition on or before Friday, March 13, 2020. Plaintiff shall not respond to any other matters
9 filed by defendants unless ordered by this court.

10 3. The Clerk of Court is directed to send plaintiff, together with a copy of this order: (1)
11 a copy of this court's Discovery and Scheduling Order filed August 11, 2017 (ECF No. 33), and
12 (2) a copy of Louie's opposition filed February 24, 2020 (ECF No. 89).

13 4. A writ of habeas corpus ad testificandum shall issue contemporaneously with this order
14 to provide for plaintiff's presence at trial.

15 IT IS SO ORDERED.

16 DATED: February 25, 2020

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18 ALLISON CLAIRE
19 UNITED STATES MAGISTRATE JUDGE
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