

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

JAMES GODOY,

No. C 05-2913 NJV

Plaintiff(s),

v.

ORDER

T. WADSWORTH et al.,

Defendant(s).

The Court is in receipt of Plaintiff's application for withdrawal of the writ of habeas corpus ad testificandum relating to Inmate McSherry (Docket Item No. 273) and Defendants' opposition thereto (Docket Item No. 274), as well as Plaintiff's four applications for writs that were filed on December 30, 2009 (Docket Item Nos. 276-279) and Defendants' opposition thereto (Docket Item No. 280). Having reviewed these documents, the Court ORDERS as follows:

- (1) Plaintiff's application for withdrawal of the writ of habeas corpus ad testificandum relating to Inmate McSherry (Docket Item No. 273) is GRANTED, and Defendants' opposition thereto (Docket Item No. 274) is DENIED;
- (2) Defendants are to notify Pelican Bay State Prison that Inmate McSherry is no longer required to be transported to court for the trial of this matter;
- (3) Plaintiff's four applications for writs that were filed on December 30, 2009 (Docket Item Nos. 276-279) are GRANTED, and Defendants' opposition thereto (Docket Item No. 280) is DENIED.
- (4) ALL of the inmates (except Inmate McSherry) who are the subject of the writs issued by the Court on December 22, 2009, December 23, 2009, and January 5, 2010 are to be transported to Court for trial.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- (5) The California Department of Corrections and Rehabilitation is responsible for the costs of transporting the inmate witnesses who are the subjects of the writs issued by the Court.
- (6) The Court once again ORDERS the parties to cooperate to ensure the timely attendance of all inmate witnesses who are the subjects of the aforementioned writs.

IT IS SO ORDERED.

Dated: 1/5/2010



NANDOR J. VADAS
United States Magistrate Judge