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*State of California, et al.*

11 IN THE UNITED STATES DISTRICT COURT  
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN FRANCISCO DIVISION

15 **DERRICK CLARK, et al.,**

16 Plaintiffs,

17 v.

19 **STATE OF CALIFORNIA, et al.,**

20 Defendants.

C 96-1486 CRB

**[PROPOSED] WRIT OF HABEAS  
 CORPUS AD TESTIFICANDUM FOR  
 INMATE GARY LUIS DAVENPORT**

Date: April 26, 2010  
 Time: 9:30 a.m.  
 Courtroom: 8, 19th Floor  
 Judge: The Honorable Charles R.  
 Breyer  
 Action Filed: April 22, 1996

22 Inmate, Gary Luis Davenport No. K72303, a necessary and material witness in proceedings  
 23 in this case beginning on April 26, 2010, at 9:30 a.m., is confined at California Rehabilitation  
 24 Center. In order to secure this inmate's attendance at the evidentiary hearing scheduled for April  
 25 26, 2010, at 9:30 a.m. in Courtroom 8 of the United States District Court for the Northern District  
 26 of California, it is necessary that a Writ of Habeas Corpus ad Testificandum issue commanding  
 27 the Warden of the California Rehabilitation Center, custodian of Gary Luis Davenport, CDCR  
 28 No. K72303, to produce said inmate in Courtroom 8 of the United States District Courthouse, 450

1 Golden Gate Avenue, San Francisco, CA 94102, the Honorable Charles R. Breyer presiding,  
2 beginning on April 26, 2010 at 9:30 a.m. and the subsequent hearing days beginning at 9:30 a.m.

3 ACCORDINGLY, IT IS ORDERED that:

4 1. A Writ of Habeas Corpus ad Testificandum issue, under the seal of this court,  
5 commanding California Rehabilitation Center, and the California Department of Corrections and  
6 Rehabilitation to produce inmate Gary Luis Davenport, CDCR No. K72303, to testify in the  
7 United States District Court for the Northern District of California at the time and place above,  
8 and from day to day until completion of court proceedings or as ordered by the Court, and  
9 thereafter to return the inmate to the above institution.

10 2. The custodian is ordered to notify the Court of any change in custody of this  
11 inmate and is ordered to provide the new custodian with a copy of this writ.

12 3. In light of the security concerns posed by inmate Davenport, CDCR No.  
13 K72303, CDCR or the U.S. Marshal Service shall produce inmate Davenport to the court in  
14 whatever security restraints it deems appropriate.

15 **WRIT OF HABEAS CORPUS AD TESTIFICANDUM**

16 To: The Warden of California Rehabilitation Center

17 P.O. Box 1841: 5th & Western, Norco, CA 91760.

18 YOU ARE COMMANDED to produce inmate Gary Luis Davenport, CDCR No.  
19 K72303, to testify in the United States District Court for the Northern District of California at the  
20 time and place above, and from day to day until completion of court proceedings or as ordered by  
21 the Court, and thereafter to return the inmate to the above institution.

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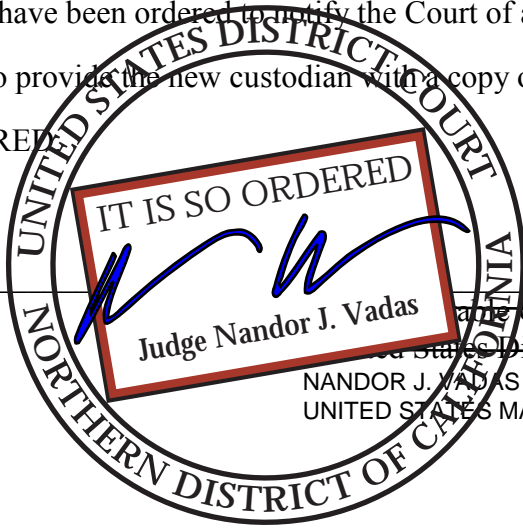
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FURTHER, you have been ordered to notify the Court of any change in custody of this inmate and are ordered to provide the new custodian with a copy of this writ.

IT IS SO ORDERED

Dated: 3/26/10



Judge Nandor J. Vadas

\_\_\_\_\_  
Judge Charles R. Breyer  
United States District Judge  
NANDOR J. VADAS  
UNITED STATES MAGISTRATE JUDGE

CF1997CS0006