

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLARK, ET AL,

No. C 96-1486 CRB

Plaintiffs,

**ORDER REGARDING WRITS OF
HABEAS CORPUS AD
TESTIFICANDUM**

v.

STATE OF CALIFORNIA, ET AL,

Defendants.

This Court is in receipt of Plaintiffs' request that it vacate the previously issued writs of habeas corpus ad testificandum. This Court is also in receipt of the Defendants' partial opposition to the request. As for the writs which Defendants do not oppose vacating, those writs are hereby VACATED.

As for the three remaining prisoners (Phillip Houseknecht, Ronald Blake, and Randy Wright), Plaintiffs are ordered to present a declaration from appropriately qualified medical personnel, attesting to the fact that transportation of these three individual witnesses would be deleterious to their mental and/or physical health. Without such a declaration, Plaintiffs' request will be denied.

Upon receipt of such a declaration, however, the remaining writs will be VACATED. At this point, if Defendants are able to provide the necessary equipment to enable testimony by videoconference, such testimony will be permitted. However, if Defendants are unable to

1 provide such equipment, Plaintiffs will be permitted to present the witnesses' testimony via
2 their previously recorded depositions.

3 **IT IS SO ORDERED.**

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Dated: April 27, 2010



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE