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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Carlos Castro,
Plaintiff,
v.
Cal Terhune, et al.,
Defendants.
AND
Carlos Castro
Plaintiff,
v.
Robert A. Horel, et al.,
Defendants.

Case No. 3:98-CV-04877-WHA

**WRIT OF HABEAS CORPUS AD
TESTIFICANDUM**

Date: August 16, 2010
Time: 12:00 p.m.
Place: Courtroom E, 15th Floor
Judge: Nandor J. Vadas

Case No. 3:09-CV-04902-WHA

Carlos Castro, inmate no. C-69975, is the named plaintiff in the case *Castro v. Terhune, et al.*, Case No. 3:98-CV-04877-WHA and *Castro v. Horel, et al.*, Case No. 3:09-CV-04902-WHA. Mr. Castro is currently confined in PELICAN BAY STATE PRISON, 5905 LAKE EARL DRIVE or P.O. BOX 7500, CRESCENT CITY, CALIFORNIA 95532. He is a necessary party at a court-sponsored settlement conference scheduled for August 16, 2010. To allow for Mr. Castro's participation in said mediation, it is necessary that a Writ of Habeas Corpus Ad

1 Testificandum issue commanding the custodian to produce the inmate before this Court,
2 Courtroom E on the 15th floor of the Phillip Burton Federal Building and United States
3 Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102 on August 16, 2010 at 12:00
4 p.m. and throughout the duration of the settlement conference.

5 ACCORDINGLY, IT IS ORDERED that:

6 1. A Writ of Habeas Corpus Ad Testificandum Issue, under the seal of this court
7 commanding the Warden of Pelican Bay State Prison, 5905 LAKE EARL DRIVE or P.O. BOX
8 7000, CRESCENT CITY, CALIFORNIA 95532 to produce the inmate, under the custody of the
9 Federal Marshal, to Courtroom E on the 15th floor of the Phillip Burton Federal Building and
10 United States Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102 on August 16,
11 2010 at 12:00 p.m until the completion of settlement conference as ordered by the Court; and

12 2. Upon completion of the court-sponsored mediation, and upon satisfaction of this writ by
13 the Court, the United States Federal Marshal shall return Carlos Castro to State Officers so that
14 they may return him to Pelican Bay State Prison under safe and secure conduct. **Mr. Castro will**
15 **be allowed to remain housed in the same cell in which he resides on the date of his**
16 **transport. Upon his return to Pelican Bay State Prison, Mr. Castro shall be returned to his**
17 **cell as soon as practicably possible. Mr. Castro shall not be required to remove his property**
18 **from his cell or "transpack." Mr. Castro's property shall remain in his cell and shall not be**
19 **disturbed while Castro is absent unless there is an emergency security need requiring entry.**
20 **The total duration of Castro's transfer shall not exceed 72 hours absent an Order from this**
21 **Court specifying otherwise.**

22 3. Pelican Bay State Prison, the Sheriff's Department, the United States Marshal, and the
23 United States Bureau of Prisons shall each bear their respective costs of implementation of the
24 terms of this writ and that the United States Marshal shall provide all necessary security for the
25 custody of Carlos Castro, so long as he is in the temporary custody of the Court.

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WRIT OF HABEAS CORPUS AD TESTIFICANDUM

TO THE WARDEN OF PELICAN BAY STATE PRISON,

We COMMAND you to produce the inmate named above to Courtroom E on the 15th floor of the Phillip Burton Federal Building and United States Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102 on August 16, 2010 at 12:00 p.m., and following completion of the court-sponsored mediation to return the inmate to the above institution pursuant to the conditions set forth above.

Dated: August 10, 2010



Nandor J. Vadas
United States Magistrate Judge