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28United States District Court
For the Northern District of CaliforniaIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RONALD EDWARD SMITH,

No. C-06-1637 MMC

Petitioner,

**ORDER DENYING PETITIONER'S EX
PARTE APPLICATION**

v.

SHERIFF GREGORY AHERN

Respondent.
_____ /

Before the Court is petitioner Ronald Edward Smith's "Ex Parte Application for Order Directing Respondent to Produce Petitioner for Hearing" ("Application"), filed November 9, 2010, whereby petitioner requests an order, pursuant to 28 U.S.C. § 2243, directing respondent Alameda County Sheriff to produce petitioner at the November 19, 2010 hearing on respondent's Motion to Permit Transfer of Custody. Respondent has filed opposition, to which petitioner has replied. Having read and considered the papers filed in support of and in opposition to the Application, the Court rules as follows.


The authority cited by petitioner, Johnson v. Eisentanger, 339 U.S. 763 (1950), concerns the production of a petitioner at a hearing on a habeas petition, not a collateral proceeding such as a hearing on a motion to permit transfer under Rule 23(a) of the Federal Rules of Appellate Procedure. Petitioner cites no authority requiring this Court to order respondent to produce petitioner at a hearing on a matter such as that currently scheduled before this Court, nor has he otherwise shown good cause for such an order.

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Accordingly, the Court hereby DENIES petitioner's Application.

IT IS SO ORDERED.

Dated: November 17, 2010


MAXINE M. CHESNEY
United States District Judge