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

JOHN DANIEL VILLA JR.,

Plaintiff,

No. C 07-01436 WHA

v.

LINDA ROWE, JENNIFER SWINEY,
and BHAWNA JAIN,

Defendants.

**ORDER QUASHING PORTIONS
OF WRIT OF HABEAS CORPUS
AD TESTIFICANDUM**

Non-party Warden M. Martel, of San Quentin State Prison, has moved to quash portions of the writ of habeas corpus ad testificandum issued on August 16, 2011, directing officers of the State of California to present plaintiff John Villa, who is in state custody, to this Court during the trial in this matter. Specifically, Warden Martel requests that this order vacate those portions of the writ pertaining to attorney visits and the designation of plaintiff as a “special needs” inmate, because the writ exceeds the authority provided in 28 U.S.C. 2241(c)(5). No opposition was received by the deadline set forth in Civil Local Rule 7-11(b). Therefore, Warden Martel’s motion is **GRANTED**, and the portions of the writ pertaining to attorney visits and the designation of plaintiff as a “special needs” inmate are **VACATED**. The Clerk shall serve this order on Jose A. Zelidon-Zepeda, Deputy Attorney General.

IT IS SO ORDERED.

Dated: August 29, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE