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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 DWAIN WILLIAMS,
8 Plaintiff,
9 v.
10 STATE OF CALIFORNIA, et al.,
11 Defendants.

Case No. 17-cv-02511-HSG

**ORDER SETTING EVIDENTIARY
HEARING**

Re: Dkt. No. 8

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13 The Court SETS a limited evidentiary hearing on September 20, 2017, at 1:00 p.m., in
14 Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA, regarding whether Plaintiff exhausted his
15 administrative remedies under the Prison Litigation Reform Act. See Dkt. No. 8 (pending motion
16 for summary judgment); cf. Albino v. Baca, 747 F.3d 1162, 1168 (9th Cir. 2014) (permitting
17 limited preliminary proceeding to “decide disputed questions of fact”).

18 The hearing will be limited to whether Plaintiff filed any inmate appeals with the Soledad
19 Correctional Training Facility after January 6, 2016, the date of his alleged incapacity. See Dkt.
20 No. 10 at 5; Dkt. No. 1-1 ¶¶ 11, 17–18, 30. This includes the two inmate appeals, dated August
21 26, 2016, and September 16, 2016, that Defendants filed as Exhibit B to their reply brief in
22 support of the pending motion. See Dkt. No. 13-2, Ex. B.

23 To guide this limited inquiry, Defendants should prepare the following witnesses: (1) the
24 custodian of records for the Soledad Correctional Training Facility who can authenticate and
25 testify about the processing of the two above-referenced inmate appeals; (2) all individuals who
26 assisted Plaintiff in filing the above-referenced inmate appeals; and (3) someone who can describe
27 the process by which a third-party outside the Soledad Correctional Training Facility can assist
28 inmates in preparing and filing an inmate appeal, as permitted by Title 15 of the California Code

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of Regulations, § 3084.2.

IT IS SO ORDERED.

Dated: 8/3/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge