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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA  
7 EUREKA DIVISION  
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9 KYLE WHELAN AVERY,

No. C 03-4233 RMW (NJV)

10 Plaintiff,

ORDER AND WRIT OF  
HABEAS CORPUS AD TESTIFICANDUM

11 v.

12 WARDEN J. S. WOODFORD, et al.,

13 Defendants.  
14 \_\_\_\_\_/

15 It is hereby ordered that the Clerk of Court issue a Writ of Habeas Corpus Ad Testificandum for the  
16 person of KYLE WHELAN AVERY whose place of custody and jailor are set forth in the Writ, attached  
17 hereto, as the presence of the said witness will be necessary at proceedings in the above-entitled cause  
18 and thereafter as may be required.  
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20 Dated: September 12, 2011  
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24 NANDOR J. VADAS  
United States Magistrate Judge  
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THE PRESIDENT OF THE UNITED STATES OF AMERICA

TO: Warden, California State Prison - Sacramento

GREETINGS

WE COMMAND that you have and produce the body of KYLE WHELAN AVERY (No. E67897) in your custody in the hereinabove-mentioned Institution, before the United States District Court on October 26, 2011, at 9:00 a.m., at Solano State Prison, in order that said prisoner may then and there participate in the SETTLEMENT CONFERENCE in the matter of AVERY v. WOODFORD, et al., 03-4233 RMW, and at the termination of said hearing return him forthwith to said hereinabove-mentioned institution, or abide by such order of the above-entitled Court as shall thereafter be made concerning the custody of said prisoner, and further to produce said prisoner at all times necessary until the termination of the proceedings for which his testimony is required in this Court;

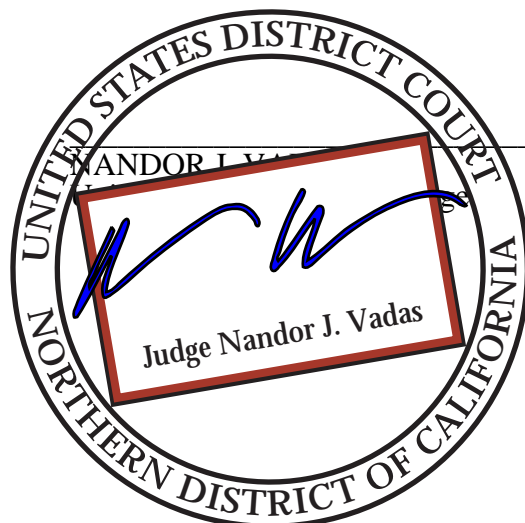
Witness the Honorable Nandor J. Vadas, Magistrate Judge of the United States District Court for the Northern District of California.

Dated: September 12, 2011

RICHARD WIEKING  
CLERK, UNITED STATES DISTRICT COURT

By: Linn Van Meter  
ADMINISTRATIVE LAW CLERK

Dated: September 12, 2011



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

KYLE WHELAN AVERY,

Plaintiff,

No. 03-4233 RMW (NJV)

v.

**CERTIFICATE OF SERVICE**

WARDEN J. S. WOODFORD, et al.,

Defendants.

I, the undersigned, hereby certify that on September 12, 2011, I served a true and correct copy of the attached by placing said copy in a postage paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail.

Kyle Whelan Avery  
E-67897  
California State Prison-Sac  
Housing: FA8-230  
P.O. Box 290066  
Represa, CA 95671-0066

Dated: September 12, 2011

/s/ Linn Van Meter  
Linn Van Meter  
Administrative Law Clerk to the Honorable Nandor J. Vadas