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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

11 WASHINGTON C. MONTANO,

12 Plaintiff,

13 v.

14 CESAR L. SINNACO,

15 Defendant.

No. C 04-0543 JF (PR)

**AMENDED ~~[PROPOSED]~~ ORDER  
 AND WRIT OF HABEAS CORPUS  
 AD TESTIFICANDUM**

Judge: Hon. Jeremy Fogel  
 Courtroom: 3, 5th Floor  
 Action Filed: February 9, 2004  
 Trial Date: July 5, 2011

17  
 18 Plaintiff Washington C. Montano is a necessary and material witness to the  
 19 above-entitled action, scheduled for jury voir dire on July 1, 2011 and for trial on July 5, 2011.  
 20 Mr. Montano is currently confined at California State Prison, Solano, in Vacaville, California, in  
 21 the custody of the Warden. In order to secure Mr. Montano's attendance at jury voir dire and  
 22 trial, it is necessary that a Writ of Habeas Corpus Ad Testificandum issue, commanding  
 23 Mr. Montano's custodian to produce him before this Court, in Courtroom 3 at 280 South 1st  
 24 Street, San Jose, California 95113 on July 1, 2011 and July 5, 2011.

25 ACCORDINGLY, IT IS ORDERED that:

26 1. A Writ of Habeas Corpus Ad Testificandum issue, under the seal of this  
 27 Court, commanding the Warden of California State Prison, Solano, and the California  
 28 Department of Corrections and Rehabilitation to produce inmate Washington C. Montano,

A/74382681.1

1 inmate number D-73199, on July 1, 2011 at 1:30 p.m. for jury voir dire, until the completion of  
2 jury voir dire in this matter, and on July 5, 2011 at 8:30 a.m. for trial, from day to day until the  
3 completion of the trial in this matter or as ordered by this Court, and thereafter to return Mr.  
4 Montano to California State Prison, Solano.

5           2.       The custodian is further ordered to notify this Court of any change in the  
6 custody of Mr. Montano, and is ordered to provide the new custodian with a copy of this  
7 amended writ.

8           3.       The Clerk of the Court is directed to serve a courtesy copy of this  
9 amended order and writ of habeas corpus ad testificandum on the Out of Court Desk, California  
10 State Prison, Solano, P. O. Box 4000, Vacaville, California 95696-4000.

11           4.       The State of California will bear its own costs of compliance with this  
12 amended writ.

13                                   **WRIT OF HABEAS CORPUS AD TESTIFICANDUM**

14                   **TO: THE WARDEN OF CALIFORNIA STATE PRISON, SOLANO**

15                   Pursuant to 28 U.S.C. section 2241, the Court ORDERS as follows:

16                   You are HEREBY COMMANDED to produce Washington C. Montano, inmate  
17 number D-73199, before the Honorable Jeremy Fogel, United States District Judge for the  
18 Northern District of California, located in Courtroom 3 at 280 South 1st Street, San Jose,  
19 California 95113, on July 1, 2011 at 1:30 p.m. for jury voir dire, until the completion of jury voir  
20 dire in this matter, and on July 5, 2011 at 8:30 a.m. for trial, from day to day until the completion  
21 of the trial in this matter or as ordered by this Court, whereupon the inmate shall be returned  
22 forthwith to California State Prison, Solano.


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The State of California shall bear its own costs of compliance with this amended

writ.

IT IS SO ORDERED.

DATED: 6/24/11

  
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Hon. Jeremy Fogel  
United States District Judge