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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)

**~~[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

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 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/74113361.1

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 writ.

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

10 4. The State of California and the United States Marshal Service each shall
11 bear its own costs of compliance with this writ.

12 **WRIT OF HABEAS CORPUS AD TESTIFICANDUM**

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

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

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


22 Further, you are HEREBY ORDERED to notify the Court of any changes in the
23 custody of Mr. Montano and to provide the new custodian with a copy of this writ.

24 If said Warden so elects, the United States Marshal for the Northern District of
25 California, or any other duly authorized Deputy United States Marshal, is hereby ORDERED
26 and DIRECTED to receive the inmate into his or her possession for the duration of the trial in
27 this matter, whereupon said Marshal is ORDERED to return said inmate into the custody of
28 California State Prison, Solano.

1 The State of California and the United States Marshal Service each shall bear its
2 own costs of compliance with this writ.

3 IT IS SO ORDERED.

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5 DATED: 6/15/11

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7 _____
8 Hon. Jeremy Fogel
9 United States District Judge
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