

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

THEODORE SMITH

CIVIL ACTION

VERSUS

LUKE RHEAMS, ET AL.

NO.:11-00482-BAJ-SCR

ORDER

Considering Plaintiff's **Motion for Continuance (Doc. 112)**, filed by Theodore Smith, seeking a continuance due to the unavailability of a witness:

IT IS ORDERED that the motion is **GRANTED**.

IT IS FURTHER ORDERED that the jury trial of this matter shall be reset for **June 23, 2015 – June 24, 2015, at 8:30 a.m.** in Courtroom 2 before Chief Judge Brian A. Jackson.

IT IS FURTHER ORDERED that the Office of the Attorney General shall provide a copy of this order, in its entirety, to Plaintiff Theodore Smith (DOC #313084) via facsimile to Elayn Hunt Correctional Center.

IT IS FURTHER ORDERED that the **Louisiana Department of Corrections and the Warden of Elayn Hunt Correctional Center, St. Gabriel, Louisiana** produce Theodore Smith (DOC #313084) in-person for jury trial in this matter.

IT IS FURTHER ORDERED that pursuant to all previous orders and subpoenas issued by this Court in the above captioned matter that the **Louisiana Department of Corrections and the Warden of the Louisiana State Penitentiary** in Angola, Louisiana produce the following witnesses for their appearance and testimony at the jury trial in this matter:

Burl Cain¹

Herbert Duncan

Stewart Hawkins²

Mondrell Wilson (DOC #378506)

Kem West (DOC #103468)

Michael Strahan (DOC #91052)

IT IS FURTHER ORDERED that counsel for Defendants put Candace Watkins on notice that she may be called to testify at the jury trial in this matter, in accordance with this Court's prior Ruling and Order of February 2, 2015, memorialized in the Minute Entry at Docket Number 104.

¹ Per this Court's Ruling and Order memorialized in the Minute Entry at Docket Number 104, the Court deferred ruling on Plaintiff's Notice of Request for Subpoena (Doc. 76) and Notice of Request for Subpoena Duces Tecum (Doc. 93) with respect to Burl Cain pending the evidence adduced at trial. However, counsel for Defendants shall inform Warden Cain of the dates of this matter so that he remains on-call in the event that he is required to testify.

² At the motions hearing held on February 2, 2015, this Court ordered Defendants to discern whether Stewart Hawkins or Eli Wilson was the head of the investigation involving inmate Mondrell Wilson, in which Plaintiff participated as a witness. Defense counsel has confirmed to the Court that the investigation was led by Stewart Hawkins, and thus, in accordance with this Court's prior Ruling and Order (Doc. 104), Eli Wilson will not be subpoenaed to testify.

IT IS FURTHER ORDERED that Plaintiff is granted *in forma pauperis* status for purposes of service of the order to produce by the United States Marshal.

Baton Rouge, Louisiana, this 20th day of April, 2015.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**