

THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT J. LUMPKIN,

Plaintiff,

v.

HECTOR YANES, *et al.*,

Defendants.

CASE NO. C17-1644-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Plaintiff’s motion for production *ad testificandum* (Dkt. No. 93). The purpose of a writ of habeas corpus *ad testificandum* is to bring a prisoner into court to testify. *See, e.g., Odom v. Odom*, 272 N.E.2d 272, 273 (Ill. Ct. App. 1971). The person Plaintiff seeks to produce, Dan Miller, is not in custody (Dkt. No. 95), so such a writ is inappropriate. If Plaintiff wishes to compel Dan Miller’s presence at his trial, he must do so with a subpoena.¹ *See* Fed. R. Civ. P. 45. The Court construes Plaintiff’s motion as a request to begin that process—a praecipe to issue a subpoena. The Clerk is DIRECTED to send Plaintiff a copy of this order and a blank subpoena with the Clerk’s seal.

¹ It is worth noting that Defendants represent that they “fully expect” Dan Miller to be present as a witness at trial. (Dkt. No. 95.)

1 DATED this 15th day of May 2019.

2 William M. McCool
3 Clerk of Court

4 s/Tomas Hernandez
5 Deputy Clerk

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