

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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NATHANIEL ALLEN LINDELL

Plaintiff,

ORDER

v.

02-C-473-C

JOANNE GOVIERE,

Defendant.  
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Plaintiff has renewed his request for a writ of habeas corpus ad testificandum for William F. West, an inmate at the Wisconsin Secure Program Facility, to attend his May 9, 2005, trial as a witness. Plaintiff's earlier request was denied without prejudice because plaintiff had not either sworn when and where inmate West informed plaintiff of his willingness to testify voluntarily or supplied Mr. West's affidavit expressing his willingness to testify, as required by this court's Procedures for Calling Witnesses to Trial. Now plaintiff has declared under penalty of perjury that "shortly after he was retaliatorily demoted by [defendant] Goviere, Mr. West told Lindell that he would be willing to testify for Lindell without being subpoenaed." This declaration is sufficient to satisfy me that Mr. West has agreed to testify voluntarily in this case.

Accordingly, IT IS ORDERED that plaintiff's request is GRANTED for the issuance of a writ of habeas corpus ad testificandum for William F. West, an inmate at the Wisconsin Secure Program Facility in Boscobel, Wisconsin. The Clerk of Court is directed to issue a writ of habeas corpus ad testificandum for Mr. West's attendance at plaintiff's trial, beginning on Monday, May 9, 2005.

Entered this 27th day of April, 2005.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge