

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 9:08-80736-Civ-Marra/Johnson

JANE DOE #1 and JANE DOE #2

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UNITED STATES
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**JANE DOE NO. 1 AND JANE DOE NO. 2'S PETITION FOR WRIT OF HABEAS
CORPUS AD TESTIFICANDUM FOR JANE DOE 1**

COME NOW Jane Doe No. 1 and Jane Doe No. 2 (the "victims"), by and through undersigned counsel, to file their Petition for Writ of Habeas Corpus Ad Testificandum for Jane Doe 1, and states:

1. Jane Doe 1 is the plaintiff in the above-captioned action, and had been ordered by the court to participate in mediation in an effort to resolve this complex and long-running case. Mediation has been scheduled before this Court (Judge Brannon) in West Palm Beach, Florida, on Monday, May 23, 2016.

2. One complication that has arisen in completing the mediation is that Jane Doe 1 is currently being held in Tampa, Florida, in the Orient Road Jail, in regard to allegations pending against her. Jane Doe 1 has pled not guilty to those charges, which are awaiting resolution.

3. Jane Doe 1's custodian is Sheriff David Gee, Orient Road Jail, 1201 Orient Road, Tampa, FL 33619. In light of Jane Doe 1's custodial status, a writ of habeas corpus ad testificandum is necessary to secure her appearance and participation in the Court-ordered mediation.

4. Undersigned counsel have corresponded with Counsel for the United States, who have advised that the United States agrees with this petition.

MEMORANDUM OF LAW

The victims respectfully requests this Court to issue a Writ of Habeas Corpus Ad Testificandum, pursuant to the authority in 28 U.S.C. § 2241(c)(5). *United States* ■ *Rinchack*, 820 F.2d 1557, 1567-68 (11th Cir. 1987). The Court has authority to issue a writ ad testificandum that is directed to a state prisoner located in another district, and can do so based upon the prisoner's own petition to participate in a suit filed by the prisoner. *See, e.g., Ballard* ■ *Spradley*, 557 F.2d 476 (5th Cir. 1977); *Spears* ■ *Chandler*, 672 F.2d 834 (11th Cir. 1982); *Roe* ■ *Operation Rescue*, 920 F.2d 213, 218 n.4 (3d Cir. 1990) (extensive citations omitted).

Jane Doe 1's personal participation in the settlement conference is important because she is one of two named-plaintiffs in the above-captioned action. Without her personal participation in the mediation, the chances of a successful mediated resolution of this will be substantially diminished. Indeed, ordinarily, personal participation of parties in a case is required precisely to facilitate chances of a successful resolution. *See* Local Rule 16.2.

For all these reasons, the victims respectfully request this Court to issue the proposed Writ of Habeas Corpus Ad Testificandum for the presence of Jane Doe 1, at the Court-ordered settlement conference in this case so that she may participate and provide any necessary testimony.

Wherefore the petitioners pray that this Honorable court issue a writ of habeas corpus ad testificandum, directing any United States Marshal to proceed to the aforesaid custodial institution and there take into custody the body of Jane Doe 1, who is identified in the proposed

writ, and have the subject before the Court at the time and place above specified, then and they to participate and testify as aforesaid; and upon completion of all participation and testimony to return Jane Doe 1 to the custody of the Warden of the aforesaid custodial institution; and also directing the Warden to deliver Jane Doe 1 into the custody of any United States Marshal for this purpose. A proposed Writ is being separately filed from this motion, under seal, which includes the name and booking number of Jane Doe 1.

DATED: April 15, 2016

Respectfully Submitted,

/s/ Bradley J. Edwards
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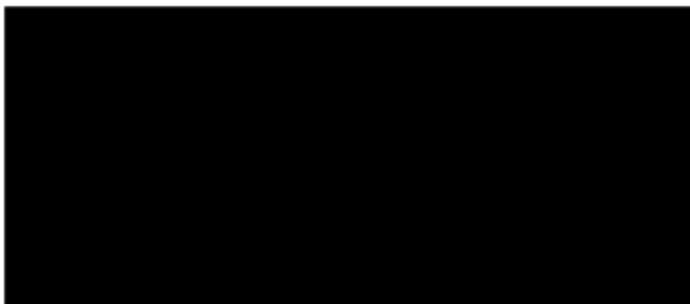


Attorneys for Jane Does No. 1, 2, 3 and 4

* This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah

CERTIFICATE OF SERVICE

I certify that the foregoing document was served on April 15, 2016, on the following using the Court's CM/ECF system:



Attorneys for the Government

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/s/ Bradley J. Edwards
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