IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

)

)))

)

)

))

MOHAMED A. EL-TABECH,	
Plaintiff,	
v.	
HAROLD W. CLARKE, ET AL.	
Defendants.	

Case No.: 4:04CV3231

APPLICATION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM

Plaintiff Mohamed A. El-Tabech ("Mohamed") hereby moves this Court pursuant to 28 U.S.C. §§ 2241(c)(5) and respectfully requests that the Court grant his application for a writ of habeas corpus ad testificandum. In support of this Motion, Mohamed states as follows:

- Mohamed has been incarcerated in the Tecumseh State Correctional Institution since July 18, 2002. He filed this action on June 28, 2004.
- 2. The Amended Complaint in this action contains claims for prospective injunctive relief and for damages under the Religious Land Use and Institutionalized Persons Act, the First Amendment to the U.S. Constitution, and the Fourteenth Amendment to the U.S. Constitution.
- 3. Mohamed is the primary witness regarding the claims contained in the Amended Complaint. Mohamed's ability to present his testimony is necessary and crucial to each of the claims presented in the Amended Complaint.
- 4. Mohamed is indigent and is unable to work due to his classification status (Filing #2). This Court granted him leave to proceed *in forma pauperis* on July 14, 2004 (Filing #5).

- 5. Mohamed therefore requests that this Court issue a Writ of Habeas Corpus ad Testificandum directing Defendants, or anyone in their control in the Nebraska Department of Correctional Services, to bring Mohamed from the Tecumseh State Correctional Institution to the Roman L. Hruska Federal Courthouse, Courtroom 3, on May 21, 2007 at 8:30 a.m., and thereafter as long as trial proceeds.
- Mohamed further requests that, due to his indigent status, the costs of such transport be paid by the transporting body.

Dated this 10th day of May, 2007.

MOHAMED A. EL-TABECH Plaintiff.

BY: OGBORN, SUMMERLIN & OGBORN, P.C. GENE SUMMERLIN - 19611 MARNIE A. JENSEN - 22380 610 J Street, Suite 200 Lincoln, NE 68508 (402) 434-8040

BY: /s/ Marnie A. Jensen

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 10th day of May, 2007, the foregoing document was electronically filed using the CM/ECF system which sent notification of the filing to the following:

Matthew Works Assistant Attorney General 2115 State Capitol Bldg. Lincoln, NE 68509 matt.works@ago.ne.gov

/s/ Marnie A. Jensen