

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ROBERT A. LONG,

Plaintiff,

vs.

CITY OF SEWARD,

Defendant.

Case No. 3:05-cv-0044-RRB

**ORDER DENYING MOTIONS AT
DOCKETS 60, 63, and 64**

Plaintiff is suing the City of Seward, alleging that it conspired to obstruct justice and tamper with witnesses that Plaintiff hoped to use on his behalf in a criminal matter brought against him by the United States of America. Plaintiff, however, has yet to say why the City of Seward would engage in such conduct or what the City of Seward did wrong. Plaintiff does point to one Louis Bencardino, who Plaintiff alleges was threatened or intimidated by the City of Seward, but Mr. Bencardino denies having been so threatened or intimidated. In fact, it appears that Mr. Bencardino did testify telephonically at Plaintiff's bail hearing and did drive to Anchorage to testify at Plaintiff's trial. Mr. Dieni, in the letter provided to the Court by Plaintiff,

indicates that Mr. Bencardino was prevented from testifying at trial because of a ruling by the trial judge, not because of any intimidation Mr. Bencardino felt. Apparently, had the judge permitted it, Mr. Bencardino would have testified as a character witness for Plaintiff at the criminal trial, regardless of how the City of Seward or any of its employees may have felt. Given these facts, it is difficult for the Court to see a connection between what the City of Seward may have felt and what Mr. Bencardino actually did. And there does not appear to be any legitimate basis to sanction Mr. Bencardino or for the Court to further investigate the matter. Mr. Bencardino appears to be an innocent party in this matter, who was at one time desirous of helping Plaintiff, but is now being vilified. Therefore, Mr. Bencardino's telephone records are not relevant to Plaintiff's claims, nor does there appear to be any justification for discovery regarding other unrelated matters involving the City of Seward.

For the reasons set forth above, Plaintiff's Motion for Criminal and Civil Sanctions against Bencardino at Docket 60, Plaintiff's Motion for Discovery of Phone Records of Bencardino at Docket 63, and Plaintiff's Motion for Discovery of City of Seward, Police Evidence Records, at Docket 64 are hereby **DENIED**.

ENTERED this 2nd day of March, 2006.

/s/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE