

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

LEE BAKER

PLAINTIFF

V.

CIVIL NO. 4:14-cv-04104

JANA TALLANT, ET AL

DEFENDANT

ORDER

This is a civil rights action filed by Plaintiff, Lee Baker, pursuant to the provisions of 42 U.S.C. § 1983 case. Plaintiff proceeds *pro se* and *in forma pauperis*. Currently before the Court is Plaintiff's Motion in Limine to exclude past criminal history of Plaintiff and his witnesses. ECF No. 50.

This matter is set for a bench trial on August 22, 2016 in Texarkana, Arkansas. Plaintiff's Motion in Limine asks the Court to exclude all current and past criminal history of Plaintiff and the witnesses he intends to call at trial. Federal Rule of Evidence 609 (a) (1) and (2) specifically provides for the use of current or past criminal history for the purpose of attacking a witness's character for truthfulness subject to Federal Rule of Evidence 403. Under FRE 403 evidence will be admitted if the probative value outweighs the prejudicial effect. Therefore, evidence of current and past criminal history of Plaintiff and his witnesses will be allowed if the Court can readily determine that establishing the elements of the crime required proving – or the witness's admitting – a dishonest act or false statement. FRE 609 (a) (2).

Accordingly, Plaintiff's Motion in Limine (ECF No. 50) is **DENIED**.

DATED this 8th day of June 2016.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE