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8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA**

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11 **ANTONIO CORTEZ BUCKLEY,**

12 **Plaintiff,**

13 **v.**

14 **EDWARD S. ALAMEIDA, et al.,**

15 **Defendants.**

Case No. 1:04-cv-05688-SAB (PC)

**ORDER PARTIALLY GRANTING PLAINTIFF'S
MOTION FOR COURT CLOTHING AT TRIAL**

16 Plaintiff Antonio Cortez Buckley ("Plaintiff"), a state prisoner proceeding pro se and in
17 forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 29, 2003.
18 This action is proceeding against Defendants Reed, Mack, and Traynham for allegedly placing
19 Plaintiff in a cell that was covered in feces in violation of the Eighth Amendment and against
20 Defendants Chappel and Barker for allegedly confiscating Plaintiff's menorah and candles in
21 violation of the Equal Protection Clause of the Fourteenth Amendment. This matter is set for jury
22 trial on May 21, 2013 before the undersigned.

23 A telephonic pretrial hearing occurred on April 18, 2013. In his pretrial statement and
24 during the hearing, Plaintiff requested that he be permitted to wear his religious clothing during
25 trial, including a black kippah (Jewish skull cap), a tallit katan (white garment worn under a
26 shirt), and a Star of David necklace. (ECF Nos. 197 & 205.)

27 The Court grants Plaintiff's request to wear the kippah and tallit katan during trial, but
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denies Plaintiff's request as to the Star of David necklace for the reasons noted on the record.

Accordingly, it is HEREBY ORDERED that:

1. Plaintiff's motion to wear his religious clothing during trial is GRANTED as to the kippah and tallit katan and DENIED as to the Star of David necklace, and
2. The Clerk of the Court is directed to fax a copy of this order to the litigation coordinator at Salinas Valley State Prison.

IT IS SO ORDERED.

Dated: April 19, 2013

A handwritten signature in blue ink, appearing to read "James A. Be...", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE