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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DONALD GLASS,  
Plaintiff,

1:04-CV-05953-AWI-DLB-P  
ORDER RE DEFENDANTS’ MOTION  
FOR SUMMARY JUDGMENT

v.

A. K. SCRIBNER, et al.,  
Defendants.

\_\_\_\_\_ /

Plaintiff Donald Glass (“Plaintiff”) is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Defendants’ motion for summary judgment, filed December 27, 2006. (Doc. 94).

One allegation upon which this action proceeds is a claim of excessive force during an incident occurring April 17, 2002. Defendants have referred to a videotape of the purported April 17, 2002 incident in their Memorandum of Points and Authorities. (See for example, Doc. 94, Motion for Summary Judgment, p.13:1-11).

It does not appear that a copy of the videotape has been filed with the Court; upon cursory review the declarations filed by defendants in support of their motion do not attach nor authenticate a copy of the videotape as an exhibit.

1           Accordingly, within twenty (20) days of service of this order, Defendants are to serve and file  
2 a supplement to their motion, to include an authenticated copy of the videotape of the April 17, 2002  
3 incident. In the alternative, Defendants may serve and file notification that they elect to proceed with  
4 their motion without the videotape.

5           Plaintiff shall be provided with an opportunity to file a supplemental opposition in the event that  
6 defendants choose to file the videotape.

7           IT IS SO ORDERED.

8           **Dated: February 3, 2009**

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE

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