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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

TROAS V. BARNETT,	)	Case No.: 1:05-cv-01022-BAM (PC)
Plaintiff,	)	
v.	)	ORDER REGARDING PLAINTIFF’S NOTICE OF
MARTIN GAMBOA, et al.,	)	MOTION OF PLAINTIFF’S INTENTION TO USE
Defendants.	)	STATEMENTS OF DEFENDANTS PURSUANT
	)	TO FEDERAL RULES OF EVIDENCE
	)	(ECF No. 353)
	)	

Plaintiff Troas Barnett (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The parties have consented to magistrate judge jurisdiction. (Plaintiff’s consent, ECF No. 9; Defendants’ consent, ECF No. 62.) This action proceeds on Plaintiff’s claims that Defendants Gamboa, Duran, and Torres used excessive physical force against him in violation of his rights under the Eighth Amendment of the United States Constitution and that Defendant Torres failed to intervene to protect Plaintiff from harm in violation of his rights under the Eighth Amendment. A jury trial is set to commence in this matter on February 23, 2016.

On November 16, 2015, Plaintiff filed a motion stating that he seeks to use transcripts of prior proceedings in this trial. (ECF No. 353.) This matter was addressed in open court on December 17, 2015, and Plaintiff is ORDERED to use the evidentiary procedure explained during that hearing. IT IS SO ORDERED.

Dated: December 18, 2015

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

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