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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 GRANTING PLAINTIFF’S MOTION IN
MARTIN GAMBOA, et al.,)	LIMINE REQUESTING PRODUCTION OF VIDEO
Defendants.)	TAPE FOR TRIAL
)	(ECF No. 356)
)	
)	

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 23, 2015, Plaintiff filed a motion in limine regarding a six-minute November 4, 2003 videotape of the emergency room at C.S.A.T.F. (ECF No. 356.) At the December 17, 2015 hearing in this matter, the parties also discussed a videotape that shows Plaintiff being housed at a new institution after the incidents at issue in this trial. Defense counsel represented that she would produce both videotapes on the morning of trial. No determination was yet made regarding the admissibility into evidence of either videotape.

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Accordingly, it is HEREBY ORDERED that Plaintiff's motion in limine requesting the production of a November 4, 2003 videotape of him at the emergency room, (ECF No. 356), is GRANTED. Defense counsel shall produce both videotapes discussed at the December 17, 2015 hearing at trial.

IT IS SO ORDERED.

Dated: December 21, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE