

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTONIO FAHIE,

Plaintiff,

v.

N. CORREA,

Defendant.

CASE NO. 1:06-cv-01132-GSA PC

ORDER DENYING PLAINTIFF’S MOTION IN LIMINE

(Doc. 89)

Plaintiff Antonio Fahie is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter is set for jury trial on May 18, 2009, on Plaintiff’s claim that Defendant N. Correa used excessive force against him, in violation of the Eighth Amendment of the United States Constitution. Pending before the Court is a motion in limine filed by Plaintiff on February 20, 2009.

Plaintiff seeks to exclude a Health Care Services Request Form, Chronological Interdisciplinary Progress Notes, and a declaration because discovery is closed. (Def. Trial Exs. H, F, and I.) The close of discovery is not a ground to preclude this evidence at trial, and Plaintiff’s motion is HEREBY DENIED.

IT IS SO ORDERED.

Dated: April 13, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE