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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 STEVEN JOSEPH NOBLE IV,

11 Plaintiff,

12 vs.

13 LT. V. J. GONZALEZ,

14 Defendant.
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1:07-cv-01111-LJO-GSA-PC

ORDER GRANTING PLAINTIFF'S
REQUEST FOR THE COURT TO CONSIDER
HIS PREVIOUSLY-FILED EXHIBITS WHEN
DECIDING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT
(Doc. 60.)

16 **I. BACKGROUND**

17 Steven Joseph Noble IV ("Plaintiff") is a state prisoner proceeding pro se and in forma
18 pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the original
19 Complaint on July 31, 2007. (Doc. 1.) This action now proceeds on the First Amended
20 Complaint filed on February 24, 2009, against defendant Lieutenant V. J. Gonzalez
21 ("Defendant"), for retaliation in violation of the First Amendment.¹ (Doc. 15.)

22 On May 29, 2013, Defendant filed a motion for summary judgment, which is pending.
23 (Doc. 49.) On September 5, 2013, Plaintiff filed an opposition to the motion. (Doc. 54.) On
24 October 28, 2013, Plaintiff filed an amended opposition to the motion. (Doc. 59.)

25 Now before the court is Plaintiff's motion, filed on October 28, 2013, for the court to
26 attach previously-filed exhibits to his amended opposition. (Doc. 60.)

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¹ On March 8, 2012, the court dismissed Plaintiff's due process claim against Defendant, for failure to
state a claim. (Doc. 33.)

1 **II. PLAINTIFF’S REQUEST**

2 Plaintiff requests the court to remove the exhibits attached to Plaintiff’s opposition,
3 Doc. 54, and attach them to Plaintiff’s amended opposition, Doc. 59. In support of this request,
4 Plaintiff asserts that he was unable to attach the exhibits to the amended opposition because the
5 exhibits are lengthy and the prison has a 50-page photocopying limitation. Plaintiff also asserts
6 that he has no other means of photocopying the exhibits. Plaintiff argues that Defendant will
7 not be prejudiced by this adjustment, because Defendant was served with a complete copy of
8 the exhibits when Plaintiff served him with the September 5, 2013 opposition.

9 Under Rule 220,² Plaintiff may not change his amended opposition by adding exhibits
10 to it after the amended opposition has been filed, and the Clerk may not alter the official record
11 in the manner suggested by Plaintiff. However, the court recognizes that Plaintiff’s objective in
12 filing this motion is to ensure that the court will consider his previously-filed exhibits when
13 deciding Defendant’s motion for summary judgment. Plaintiff has shown good cause for the
14 court to consider his previously-filed exhibits.

15 **III. CONCLUSION**

16 Accordingly, based on the foregoing and good cause appearing, IT IS HEREBY
17 ORDERED that the court shall consider the exhibits attached to Plaintiff’s September 5, 2013
18 opposition when deciding Defendant’s motion for summary judgment of May 29, 2013.

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22 IT IS SO ORDERED.

23 Dated: November 1, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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27 ²Local Rule 220 provides, in part: “Unless prior approval to the contrary is obtained from the Court,
28 every pleading to which an amendment or supplement is permitted as a matter of right or has been allowed by
court order shall be retyped and filed so that it is complete in itself without reference to the prior or superseded
pleading. No pleading shall be deemed amended or supplemented until this Rule has been complied with. All
changed pleadings shall contain copies of all exhibits referred to in the changed pleading.”

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