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9 Attorneys for Defendants

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

12	DAVID AMEZCUA)	No. 1:07-CV-01268-OWW (SMS)
13)	
14	Plaintiff,)	ORDER re DEFENDANTS'
15)	NOTICE OF MOTION AND
16	vs.)	MOTION IN LIMINE NO. 3 re:
17)	CRIMINAL DISPOSITION
18	CITY OF FRESNO, FRESNO POLICE)	
19	DEPARTMENT, FRESNO POLICE OFFICER)	
20	BRYAN WILLIAMS, individually and in his)	
21	official capacity, and DOES 1 through 100,)	
22	inclusive,)	
23)	
24	Defendants.)	

25 APPLICATION FOR AN ORDER TO EXCLUDE EVIDENCE having been
 26 brought before this Court, the Order to Show Cause came on for hearing by the Court on
 27 February 27, 2009, in Courtroom 3. Plaintiff appeared by counsel Juan Falcon, and
 28 Defendants herein appeared telephonically by counsel Bruce D. Praet of Ferguson, Praet
 & Sherman. Evidence, both written and oral, having been considered, and good cause
 appearing therefore:

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IT IS HEREBY ORDERED:

1. That Plaintiff cannot introduce or present any testimony concerning, questioning upon, reference to, or any other form of evidence pertaining to the disposition of his arrest or the lack of criminal prosecution.

2. Plaintiff, his counsel and his witnesses are not to attempt to introduce such evidence, in any form, and not to suggest, comment directly or indirectly on, or refer to the evidence in any way, before the jury without first obtaining the Court's permission.

3. Plaintiff's counsel is to caution, warn and instruct Plaintiff's witnesses not to make any reference to such evidence and to follow the same order.

Dated: February 9, 2009

/s/ OLIVER W. WANGER
Honorable Oliver W. Wanger
United States District Court Judge