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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CARIS LYNN MCDOUGALD)	1:08cv238 AWI DLB
)	
)	
Plaintiff,)	ORDER DENYING PLAINTIFF'S
)	"OPPOSITION MOTION" REGARDING
v.)	DISCOVERY
)	(Document 67)
MODESTO POLICE DEPARTMENT)	
OFFICERS RAMAR AND CAMPBELL,)	
)	
)	
Defendants.)	

Plaintiff Caris Lynn McDougald ("Plaintiff") is proceeding pro se and in forma pauperis in this civil rights action, filed on February 19, 2008. He alleges that Defendant Officers Ramar and Campbell violated his Fourth Amendment right to be free from excessive force.

On October 1, 2009, Plaintiff filed a motion to compel production of documents from Defendants. The Court granted Plaintiff's motion to compel production of citizen complaints alleging excessive force and/or falsification of documents filed against Officers Ramar and Campbell. In so ruling, the Court rejected Defendants' arguments that Plaintiff's request for ALL citizen complaints was overbroad because Plaintiff had specifically narrowed the scope of his request. Plaintiff indicated in his October 13, 2009, reply that although his interrogatory requested ALL citizen complaints, he sought only complaints pertaining to excessive force and/or falsification of documents.

1 On November 30, 2009, Plaintiff filed a document entitled "Opposition Motion in Regards
2 to Defendants Response to Demand for Production of Documents and Modify Brief in Support of
3 Opposition to Defendant's Response to Demand for Production of Documents." By this motion,
4 Plaintiff seeks to withdraw his statement in his reply that he sought only complaints related to
5 excessive force and/or falsification of documents. Plaintiff indicates that this statement was an
6 "inadvertent mistake," and that he has repeatedly referenced his request for ALL citizen
7 complaints. Motion, at 2.

8 Even if this Court allowed Plaintiff to retract his statement, it would not alter the Court's
9 decision because Plaintiff would not be entitled to ALL citizen complaints. Rather, Plaintiff is
10 entitled to only those citizen complaints filed against Defendants that are factually similar to the
11 allegations in the instant action. The Court previously granted Plaintiff's motion to compel
12 production of citizen complaints involving excessive force and/or falsification of documents
13 against Defendant Officers Ramas and Campbell. Complaints that do not involve excessive force
14 and/or falsification of documents are not relevant to this action and are therefore not discoverable.

15 Plaintiff's request is therefore DENIED.

16 IT IS SO ORDERED.

17 **Dated: December 18, 2009**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE