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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JEAN-PIERRE K. THOMAS,)	Case No.: 1:08-cv-0689 – JLT (PC)
)	
Plaintiff,)	ORDER GRANTING PLAINTIFF’S RENEWED
)	MOTION TO INCLUDE AN EXHIBIT IN THE
v.)	TRIAL EXHIBITS
)	
M. GARCIA, et al.,)	(Doc. 207)
)	
Defendants.)	
)	
)	

Plaintiff Jean-Pierre K. Thomas (“Plaintiff”) is a state prisoner proceeding *pro se* in a civil rights action pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff’s renewed motion to include the June 4, 2012, medical note from Dr. Shaw as an exhibit at trial. (Doc. 207). The Court previously denied Plaintiff’s request to include this exhibit under the presumption that the document would be included in Plaintiff’s medical file produced by the Defendants. (Doc. 182 at 2 n. 1). However, Plaintiff reports that this document was not included in his medical file provided by the Defendants. (Doc. 207 at 2).

On the other hand, on July 17, 2013, the Court ordered the exclusion of the notes of the two ophthalmology visits as contained in Exhibit 11. (Doc. 204 at 14). Specifically, Plaintiff failed to designate a medical expert on the topic and any information regarding the observations of the doctor would be hearsay. *Id.* Similarly, the proposed exhibit contains the notes of a visit with Dr. Shaw.

1 (Doc. 207 at 5). Thus, it is not likely the document will be admitted. In any event, the Court
2 **GRANTS** Plaintiff's request to add the document as an exhibit.

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4 IT IS SO ORDERED.

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Dated: July 19, 2013

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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