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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WHITTIER BUCHANAN,

1:08-cv-01174-AWI-GSA-PC

Plaintiff,

v.

ORDER DIRECTING CLERK TO
SEND EXHIBITS BACK TO PLAINTIFF

CORRECTIONAL OFFICER
A. SANTOS,

Defendant.

_____ /

This action, brought pursuant to 42 U.S.C. § 1983, proceeds on the original Complaint filed by plaintiff Whittier Buchanan (“Plaintiff”) on August 11, 2008, against defendant Correctional Officer (C/O) A. Santos (“Defendant”), for excessive force in violation of the Eighth Amendment. (Doc. 1.) This case is presently set for jury trial on December 4, 2012.

On September 21, 2012, Plaintiff submitted two sets of documents to the Court labeled as Exhibits 1-10. The documents appear to be Plaintiff’s trial exhibits.

On December 9, 2012, the Court issued an Amended Pretrial Order instructing the parties to “confer no later than October 29, 2012, for purposes of pre-marking and examining each other’s exhibits.” (Doc. 88 at 16 ¶XX.B.) The order directs the parties to pre-mark joint exhibits with numbers preceded by the designation “JT/,” to pre-mark Plaintiff’s exhibits with numbers, and to

1 pre-mark Defendant's exhibits with letters. Id. The order also directs the parties to create binders
2 containing sets of exhibits and to prepare indexes, in preparation for trial. Id. at 16-17 ¶XX.B.1, 2.)

3 The exhibits which Plaintiff submitted on September 21, 2012, before he received the Court's
4 instructions in the Amended Pretrial Order, are not in proper form for trial. Therefore, the exhibits
5 shall be returned to Plaintiff for pre-marking and organization into binders, as required by the Court.

6 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall return to Plaintiff the
7 documents labeled as Exhibits 1-10 which were submitted to the Court by Plaintiff on September
8 21, 2012.

9
10 IT IS SO ORDERED.

11 **Dated: October 26, 2012**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE