

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

J. DOE,

Plaintiff,

v.

J. YATES, et al.,

Defendants.

CASE NO. 1:08-cv-01219-LJO DLB PC

ORDER DENYING REQUEST FOR AMICUS CURIAE STATUS

(Doc. 12)

ORDER STRIKING DOCUMENTS

(Docs. 13, 14.)

\_\_\_\_\_ /

Plaintiff J. Doe is a state prisoner proceeding pro se in this civil rights action. The Court recently screened Plaintiff’s complaint and ordered Plaintiff to file an amended complaint or notify the Court that she<sup>1</sup> wishes to proceed only on the claims found to be cognizable. (Doc. 26.) On April 16, 2009, Plaintiff filed a “response and request to reconsider”, which was construed as a motion for reconsideration and denied by the District Judge on July 28, 2009.

On October 6, 2008, Thomas Clinton, who is not a party in this action, filed a document entitled, “Motion to Accept Amicus Curiae One and Two” wherein Mr. Clinton requests leave to file evidence to support Plaintiff’s complaint. (Doc. 12.) It appears that Mr. Clinton has submitted copies of the documents he wishes the Court to review. (Docs. 13 and 14.) The attached documents appear to be correspondence from Plaintiff concerning some of the same matters alleged in the

\_\_\_\_\_

<sup>1</sup> Plaintiff is a male to female transgendered individual and refers to herself with feminine pronouns. The Court shall do so as well.

1 complaint. The letters have no evidentiary value and Plaintiff may include the same allegations in  
2 the verified complaint or in a affidavit at the appropriate stage of this proceeding.

3 The Court does not require the assistance of an amicus curiae in this action. To the extent  
4 that Mr. Clinton seeks amicus status, his request is DENIED.

5 Furthermore, evidence may not be filed with the court until the course of litigation brings the  
6 evidence into question. If this action reaches a juncture at which the submission of evidence is  
7 appropriate and necessary (e.g., summary judgment or trial), Plaintiff will have the opportunity at  
8 that time to submit her evidence. This action is still at the pleadings stage. While Plaintiff may  
9 incorporate exhibits by reference into her amended complaint, Plaintiff is not permitted to  
10 continually supplement her complaint with additional exhibits/evidence. See Local Rule 15-220.  
11 Plaintiff cannot submit her amended complaint piecemeal, as she is attempting to do here, as it  
12 creates significant confusion in the Court Record.

13 Accordingly, the materials, Court Dockets 13 and 14, filed by Mr. Clinton are HEREBY  
14 ORDERED STRICKEN.

15 IT IS SO ORDERED.

16 **Dated:** August 2, 2009

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE