^

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

LATWAN McELROY,

1:08-cv-01221 LJO GSA PC

ORDER DISMISSING CLAIMS AND
DEFENDANTS PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 50(a)(1).

R. COX, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se in this civil rights action. This matter was tried before a jury on June 19, 2012. At the close of Plaintiff's case, Defendants moved for judgment as a matter of law pursuant to Federal Rule of Civil Procedure 50(a)(1). The motion was orally argued, and the Court ruled as follows: The motion was granted as to Defendants Hankins and Stinnett, and as to Plaintiff's failure to protected claim against Defendant Acosta.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Defendants' motion for judgment as a matter of law is granted as to Defendants Hankins and Stinnett. Judgment to be entered in favor of Defendants Stinnett and Hankins on the ground that a reasonable jury would not have a legally sufficient evidentiary basis to find for Plaintiff on his claims against Defendants Hankins and Stinnett.
- 2. Defendants' motion for judgment as a matter of law is granted as to Plaintiff's failure to protect claim against Defendant Acosta. Judgment to be entered in favor of Defendant Acosta

1	as to Plaintiff's failure to protect claim on the ground that a reasonable jury would not have a
2	legally sufficient evidentiary basis to find for Plaintiff on his failure to protect claim against
3	Defendant Acosta.
4	
5	
6	
7	
8	IT IS SO ORDERED.
9	Dated: June 20, 2012 /s/ Lawrence J. O'Neill UNITED STATES DISTRICT JUDGE
10	
11	
12	
13	
14	
15	
16	
17	
18 19	
20	
21	
22	
23	
24	
25	
26	
27	
28	2