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

ANDREW R. LOPEZ,
Plaintiff,
vs.
FLOREZ, et al.,
Defendants.

Case No. 1:08-cv-01975 LJO JLT (PC)
ORDER DENYING PLAINTIFF’S MOTION
TO PRESERVE DOCUMENTS
(Doc. 46)

_____ /

On March 29, 2012, Plaintiff filed an Ex-Parte request for a “Freeze Order.” (Doc. 46). Plaintiff asks this Court to require California Department of Corrections and Rehabilitation (“CDCR”) officials to “suspend any routine purging and deletion practices, including records stored on its computers and to preserve the intact metadata.” (Doc. 46). Plaintiff claims that he filed his request ex-parte because he believed that evidence would be destroyed if he were required to give Defendants notice of his request. (Id.) Plaintiff claims that paper records are “routinely purged;” however, Plaintiff does not explain what evidence he wants preserved, what evidence believes will be destroyed nor how it might relate to his case against three members of the nursing staff at Corcoran State Prison. (Id.) Moreover, notably, the CDCR is not a party to this case.

Additionally, Defendants here have yet to be served with Plaintiff’s First Amended Complaint. The Court, therefore, declines to entertain any requests for the preservation of alleged evidence at this time. Thus, it is HEREBY ORDERED that Plaintiff’s March 29, 2012, motion to preserve evidence

1 (Doc. 46) is **DENIED**.

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3 IT IS SO ORDERED.

4 Dated: April 2, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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