UNITED STATES DISTRICT COURT	
EASTERN DIST	RICT OF CALIFORNIA
DONTE ROLANDO HARRIS,	CASE NO. 1:09-cv-00781-MJS (PC)
Plaintiff,	ORDER DENYING WITHOUT
V.	PREJUDICE MOTION TO REOPEN PRETRIAL STATEMENT AND SUBMIT
H.A. RIOS, et al.,	ADDITIONAL EXHIBITS
Defendants.	(ECF No. 143)
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Plaintiff is a federal prisoner proceeding pro se in this civil rights action filed April	
27, 2009 pursuant to <u>Bivens v. Six Unknown Named Agents of Federal Bureau of</u>	
<u>Narcotics</u> , 403 U.S. 388 (1971). The action proceeds on Plaintiff's First Amendment	
claim against Defendants Gonzaga, Col	bb, Zaragoza, and Valero for delay in delivery
of incoming seized mail; his First Am	nendment claim against Defendant Cobb for
interception and seizure of outgoing mai	il; and his Fifth Amendment due process claim
against Defendants Estrada, Cobb, Valero, and Zaragoza for failing to provide notice	
his mail was seized. Trial is set for August 20, 2015.	
Before the Court is Plaintiff's June 26, 2015 motion to partially reopen his	
pretrial statement and to submit additional exhibits. (ECF No. 145.) Plaintiff states that	
the additional exhibits constitute approximately five pages of his personal property	

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record, registered mail receipts, and certified mail receipts. Defendants filed an
 opposition. (ECF No. 144.) Plaintiff filed no reply.

The Court's April 16, 2015 pretrial order advised Plaintiff that no exhibits, other than those listed, would be admitted absent a stipulation or upon a showing of "manifest injustice." (ECF No. 124.) Fed. R. Civ. P. 16(e); Local Rule 281(b)(11). Defendants' opposition reflects that there is no stipulation regarding Plaintiff's proposed exhibits. Nor has Plaintiff shown that manifest injustice will result if the proposed exhibits are excluded. Indeed, Plaintiff offers no explanation for his request.

9 Based on the foregoing, Plaintiff's request to reopen his pretrial statement to
10 add additional exhibits is insufficient. It therefore is HEREBY DENIED without
11 prejudice.

IT IS SO ORDERED.

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Dated: <u>July 28, 2015</u>

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UNITED STATES MAGISTRATE JUDGE