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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ANTHONY JOHNSON,)	Case No.: 1:09-cv-01264-BAM PC
Plaintiff,)	
v.)	ORDER GRANTING PLAINTIFF’S MOTION FOR
L. GONZALEZ, et al.,)	RELEASE OF A COPY OF THE DVD FOR USE
Defendants.)	AT TRIAL
)	(ECF No. 126)
)	
)	
)	

Plaintiff Anthony Johnson (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s claim of excessive force in violation of the Eighth Amendment against Defendants Gonzales¹ and Murrieta arising out of an alleged assault following the takedown by Defendant Gonzales on June 9, 2008. A jury trial is set for April 28, 2015.

On November 13, 2014, Plaintiff filed a motion for a court order releasing a copy of an excessive force DVD made on June 9, 2008, to the Court for evidence at trial. In short, Plaintiff would like to play a recording of his June 9, 2008 use of force interview at trial. (ECF No. 126.) On December 1, 2014, Defendants responded and indicated that they do not oppose the request to have a copy of the DVD available for Plaintiff to use at trial. Defendants also intend to introduce the use of

¹ Defendant was sued as “L. Gonzalez.”

1 force interview into evidence at trial. Defendants further indicate that Plaintiff cannot keep a copy of
2 the DVD in his cell for security reasons, but if Plaintiff would like to view the DVD before trial, then
3 Defendants will work with the prison's litigation coordinator to arrange a viewing. (ECF No. 129.)

4 Based on Defendants' response, it is HEREBY ORDERED that:

- 5 1. Plaintiff's request to have a copy of the DVD recording of his June 9, 2008 use of force
6 interview available at trial is GRANTED; and
- 7 2. Defendants shall have a copy of the DVD available for Plaintiff to use at trial.

8
9 IT IS SO ORDERED.

10 Dated: December 17, 2014

/s/ Barbara A. McAuliffe
11 UNITED STATES MAGISTRATE JUDGE