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

ANTHONY JOHNSON,	)	Case No.: 1:09-cv-01264-BAM PC
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF’S MOTION
	)	REQUESTING A COURTESY COPY OF THE
v.	)	NINTH CIRCUIT MODEL JURY INSTRUCTION
	)	FOR EXCESSIVE FORCE BY A
L. GONZALEZ, et al.,	)	CORRECTIONAL OFFICER
	)	(ECF No. 131)
Defendants.	)	
	)	
	)	
	)	

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 Gonzales<sup>1</sup> and Murrieta arising out of an alleged assault following the takedown of Plaintiff by Defendant Gonzales on June 9, 2008. A jury trial is set for April 28, 2015.

On February 2, 2015, Plaintiff filed a motion requesting a courtesy copy of the Ninth Circuit’s Model Jury Instruction for excessive force by a correctional officer. (ECF No. 131.)

Plaintiff’s request for a courtesy copy of the Ninth Circuit’s Model Jury Instruction regarding excessive force is unnecessary. First, Plaintiff makes no showing that the Ninth Circuit’s Model Jury Instructions are unavailable to him through the prison law library. Second, as the Court indicated

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<sup>1</sup> Defendant was sued as “L. Gonzalez.”

1 during the Telephonic Trial Confirmation Hearing held on March 3, 2015, the Court prepares  
2 proposed jury instructions, based on the Ninth Circuit's Model Civil Jury Instructions, which will be  
3 available to Plaintiff on the first day of trial. Third, and finally, the record reflects that on April 2,  
4 2015, Defendants filed and served their proposed jury instructions, which included a proposed jury  
5 instruction regarding excessive force based on the Ninth Circuit's model instruction. Defendants'  
6 proposed instruction identifies any alterations to the Ninth Circuit's Model Civil Jury Instructions by  
7 underlined text. (ECF No. 158.)

8 For these reasons, Plaintiff's motion requesting a courtesy copy of the Ninth Circuit's Model  
9 Jury Instructions for excessive force is **HEREBY DENIED**.

10 **IT IS SO ORDERED.**

11 Dated: April 6, 2015

12 /s/ Barbara A. McAuliffe  
13 UNITED STATES MAGISTRATE JUDGE  
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