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

LAMONT SHEPARD,)	Case No.: 1:10-cv-00023-BAM PC
Plaintiff,)	
v.)	ORDER DENYING MOTION INFORMING THE
)	COURT OF C.S.P. CORCORAN INTENTIONS
R. PEREZ, et al.,)	AND AN EVIDENTIARY HEARING
Defendants.)	(Doc. 97)
)	
)	
)	

Plaintiff Lamont Shepard (“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 is proceeding on Plaintiff’s complaint against Defendants L.A. Martinez, R. Perez, P. Garcia, J. Soto, E. De la Cruz and A Trevino for excessive force in violation of the Eighth Amendment. Jury trial in this matter is set for May 6, 2013.

On March 21, 2013, the Court directed Plaintiff to comply with the pretrial order. Specifically, the Court directed Plaintiff’s attention to the April 12, 2013 deadline to exchange trial exhibits with Defendants and the April 29, 2013 deadline to submit his pre-marked trial exhibits. (ECF No. 92.)

On April 8, 2013, Plaintiff filed a notice indicating that he has been unable to obtain additional copies of his trial exhibits from the prison law library to exchange with Defendants and to provide the Court. (ECF No. 94.) In response, on April 10, 2013, the Court directed Plaintiff to file his trial exhibit list, in lieu of his exhibits, no later than April 18, 2013. (ECF No. 96.)

1 On April 16, 2013, Plaintiff filed the instant motion informing the Court that he could not
2 comply with the deadline to submit his trial exhibits because of the law library at his prison. Plaintiff
3 therefore requested an evidentiary hearing regarding the law library's response to his requests for
4 access. (ECF No. 97.)

5 On April 19, 2013, the Court held a motion in limine hearing and addressed Plaintiff's motion
6 regarding his trial exhibits. As indicated in the Court's prior order, Plaintiff's inability to obtain
7 copies has been accommodated by the Court. In lieu of providing his exhibits in advance of trial, the
8 Court directed Plaintiff to submit a list identifying his exhibits by name, description and date.

9 On April 22, 2013, Plaintiff filed his trial exhibit list, which identifies his proposed exhibits by
10 name, date, and, in some instances, by description of the contents. Based on this filing and the Court's
11 previous orders and direction, Plaintiff's instant motion regarding copies of his trial exhibits and his
12 request for an evidentiary hearing are no longer necessary. Accordingly, Plaintiff's motion informing
13 the Court of C.S.P. Corcoran intentions and request for an evidentiary hearing is DENIED AS MOOT.

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16 IT IS SO ORDERED.

17 Dated: April 30, 2013

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE