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

SYLESTER WILLIAMS,
Plaintiff,
vs.
BOBBY PHILLIPS,
Defendant.

Case No. 1:10-cv-00131 AWI JLT (PC)
ORDER DISREGARDING PLAINTIFF’S
MOTIONS RE: WITHDRAWING
MOTION TO COMPEL AND RULING ON
ADMISSIBILITY OF EVIDENCE
(Doc. 77).

_____ /

Plaintiff recently filed several motions in which he sought to compel discovery documents from the Defendant. (See Docs. 62, 63, and 72). The Defendant produced the requested documents in his response to Plaintiff’s motions. (See Docs. 64, 66, 70, 73). Plaintiff now asks this Court to rule on the admissibility of Defendant’s Responses to Requests for Admission propounded by Plaintiff. (Doc. 77). Plaintiff also seeks to withdraw his prior motion to compel. (Id.)

In order for a Court to determine the admissibility of evidence, it must know the reason the party is offering the matter into evidence and why the evidence matters to the case. (USCS Fed Rules Evid R 401 and 402). This means that a Court will not rule on the admissibility of evidence unless or until the evidence is submitted in conjunction with a motion to decide an issue in the case (or in opposition to such a motion), a motion in limine (or an opposition to such a motion) or during the actual trial. Plaintiff is advised that merely calling his current request a “motion,” it is not sufficient and does not

1 allow the Court to rule on the proposed evidence.

2 Given that Plaintiff's request to rule on the admissibility of evidence is not submitted in support
3 of or in opposition to an actual motion to decide an issue in the case (Doc. 77), and given that the Court
4 has already ruled Plaintiff's prior motions to compel (Docs. 74 and 75), the Court will disregard
5 Plaintiff's current motions.

6 Plaintiff's Motion regarding the admissibility of Defendant's Responses to Requests for
7 Admission is hereby **DISREGARDED** as premature. Additionally, Plaintiff's Motion to Withdraw his
8 prior motion to compel is **DISREGARDED** as moot.

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10 IT IS SO ORDERED.

11 Dated: March 14, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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