

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VICENTE GARCIA, CASE NO. 1:10-cv-730-AWI-MJS (PC)
Plaintiff, ORDER RETURNING DOCUMENTS TO
v. PLAINTIFF
A. JOAQUIN, et al., (ECF No. 21)
Defendants.

On September 21, 2010, Vicente Garcia sent the Court a document entitled "Grand Jury Complaint Citizen Complaint Form" with a number of exhibits attached. (ECF No. 21.) The Grand Jury Complaint Form appears to be a standard-issue form produced by Kern County, California. To the extent that Plaintiff is attempting to initiate a Grand Jury proceeding against A. Joaquin in Kern County, Plaintiff must submit this documentation to Kern County rather than to this Court. This Court does not have jurisdiction over the Kern County Grand Jury or anything to do with Kern County's Grand Jury process.

The Court notes that Plaintiff has active litigation in this Court against A. Joaquin. To the extent that Plaintiff intended the documents submitted, including the exhibits, to be considered as evidence in his ongoing litigation, Plaintiff is advised that the Court cannot serve as a repository for the parties' evidence. At this stage in the litigation, the Court must presume that all plausible allegations contained in Plaintiff's Complaint are true. See Warshaw v. Xoma Corp., 74 F.3d 955, 597 (9th Cir. 1996). Thus, no documentation is needed to support Plaintiff's allegations. If Plaintiff desires to amend his complaint to

1 include information contained in the materials attached to the instant motion, he may do
2 so without leave of the Court. See Fed. R. Civ. Proc. 15(a)(1) ("A party may amend its
3 pleading once as a matter of course.")

4 As explained in the Court's First Informational Order, the parties may not file
5 evidence with the Court until the course of litigation brings the evidence into question (for
6 example, on a motion for summary judgment, at trial, or when requested by the Court).
7 (ECF No. 5.) Plaintiff was previously informed that improperly submitted evidence would
8 be returned. (Id.)

9 Accordingly, the Clerk of Court is directed to return the original motion and
10 supporting documents to Plaintiff if they have not already been discarded. The Court will
11 not consider any of the documents submitted as part of his Grand Jury Citizen Complaint
12 in conjunction with the above-captioned civil action.

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14 IT IS SO ORDERED.

15 Dated: October 1, 2010

/s/ . Michael J. Leng
16 UNITED STATES MAGISTRATE JUDGE

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