

1 **II. DISCUSSION**

2 A. Motion to Exclude “Code of Silence” and “Green Wall” Arguments

3 Defendants seek to exclude any and all testimony, questions or arguments regarding the
4 “Code of Silence” and “Green Wall” at trial as irrelevant, overly prejudicial and an undue
5 consumption of time. Defendants concede that there is no indication that the terms are
6 applicable to this action, but they point out that Plaintiff alleges that Defendant Mata failed to
7 report the use of excessive force, and Defendant Meza failed to report his broken arm.

8 Defendants’ motion is GRANTED. While the Plaintiff may present evidence that there
9 was a failure to report or cover up, general references to the “Code of Silence” and “Green Wall”
10 are precluded. Fed. R. Evid. 403.

11 B. Motion Requiring that Plaintiff be Shackled at Trial

12 Defendants seek an order requiring Plaintiff to be shackled throughout the duration of the
13 trial. Defendants cite Plaintiff’s criminal history, as well as his history of disciplinary actions
14 while incarcerated. Defendants state that having Plaintiff restrained by leg irons attached to the
15 cement bucket is an acceptable alternative.

16 Defendants’ motion is GRANTED. Plaintiff will be subject to the leg irons under the
17 curtained table for safety concerns within the courtroom, based on his history.

18 C. Motion to Exclude Dismissed and Irrelevant Issues at Trial

19 Defendants argue that Plaintiff should be excluded from presenting evidence on his
20 failure to protect claim, which was dismissed from this action at the screening stage.

21 Defendants’ motion is GRANTED as such evidence is irrelevant. Fed. R. Evid. 403.

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24 IT IS SO ORDERED.

25 Dated: February 26, 2014

26 /s/ Lawrence J. O’Neill
27 UNITED STATES DISTRICT JUDGE