## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

GEORGE E. JACOBS,	) Case No.: 1:10-cv-02349 AWI JLT
Plaintiff	ORDER DENYING MOTION FOR RULING
v.	) ) (Doc. 14.)
A.C. QUINONES, et al.,	) ORDER DENYING MOTION TO PRESERVE
Defendants.	) EVIDENCE )
	) (Doc. 15).

Plaintiff George E. Jacobs IV ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Although Plaintiff's complaint relates to incidents that occurred in 2007, Plaintiff did not file his initial complaint until December 2010. Presently before this Court are the following motions: 1) Plaintiffs' motion for a ruling (Doc. 14) and 2) Plaintiff's motion to preserve evidence. (Doc. 15).

## 1. Motion for Ruling

Plaintiff urges this Court to screen his second amended complaint and "move the process along" because it is approaching five years from the date of the incident. (Doc. 14). The Court is well-aware of the need to screen his complaint. Thus, Plaintiff's motion is unnecessary. To the extent Plaintiff seeks an expedited ruling or a ruling by a certain date, Plaintiff is advised that this Court has by far, the highest weighted caseload per judge in the entire country. The Court cannot place

Plaintiff's case ahead of the numerous other cases that also need to be screened. Plaintiff's operative complaint will be screened in due course.

## **II.** Motion to Preserve Evidence

On June 19, 2012, Plaintiff filed a motion requesting the Court to order defendants to preserve all video tapes, data, log books, personnel records and other pertinent material evidence relating to his September 12, 2007 incident. (Doc. 15.) Plaintiff believes that such evidence will be destroyed, pursuant to retention policies, in September of this year. (Id.) The Court has yet to determine whether Plaintiff's complaint states a cognizable claim and therefore has not yet ordered service of the complaint upon any defendant. Accordingly, at this early stage of the litigation, the Court declines to entertain any requests for the preservation of alleged evidence.

## 2. Conclusion

Based upon the information set forth above **IT IS ORDERED**:

- **a.** That Plaintiff's motion for a ruling is DENIED in so far as it requests an expedited ruling or a ruling by a date certain; and
- **b.** That Plaintiff's motion to preserve evidence is DENIED.

18 IT IS SO ORDERED.

Dated: June 20, 2012 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE