

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

3 **II. Motion to Preserve Evidence**

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

11 **2. Conclusion**

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

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

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18 IT IS SO ORDERED.

19 Dated: June 20, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE