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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **EUGENE E. FORTE,**

9 **Plaintiff**

10 **v.**

11 **COUNTY OF MERCED, et al.,**

12 **Defendants.**

CASE NO. 1:11-cv-0318 AWI BAM

ORDER DENYING PLAINTIFFS *EX PARTE* APPLICATION TO CORRECT OMISSIONS REGARDING DOCKET NUMBERS 320 AND 321

Doc. # 374

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15 Currently before the court is the *ex parte* application of plaintiff Eugene Forte (“Plaintiff”) to “Correct Omissions in the Court Record of Missing ECF Documents #320 and #321 . . .” (hereinafter, Plaintiff’s “Request”). Doc. # 374. The court has previously addressed Plaintiff’s concerns regarding the contents of Docket Numbers 320 and 321 in its order of June 8, 2015, adopting the Magistrate Judge’s Findings and Recommendations and applying terminating sanctions. See Doc. # 343 at 4:7-13 (noting that the contents of the docket numbers consist solely of email correspondences from Plaintiff to the court’s stenographic reporter). In the present *ex parte* Request, Plaintiff expresses his distrust of the court’s representation of the contents of the two docket entries and requests that the court re-categorize the docket entries to make them accessible to himself and to the appellate court. As “court only” entries, the Docket Numbers 320 and 321 do not appear on the Docket Report when the report is accessed by a non-court party. However, the full docket record, including any “court only” entries, is fully accessible to the Ninth Circuit Court of Appeals and no further adjustment or correction is required to facilitate their review of the contents of the docket.
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1 As the court previously explained to Plaintiff, Docket Number 320 and 321 contain email
2 communications from Plaintiff to the court's stenographic reporter on April 7, 2015, and April 13,
3 2015, respectively. The two docket entries contain nothing else. Plaintiff is presumed to be in
4 possession of his own email records and may reference those two communications as he sees fit. The
5 court finds that further correction or reclassification of docket entries in this case is not warranted.
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7 THEREFORE, it is hereby ORDERED that Plaintiff's *ex parte* Request to correct docket
8 entries numbered 320 and 321 is DENIED.

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10 IT IS SO ORDERED.

11 Dated: September 28, 2015



12 SENIOR DISTRICT JUDGE