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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 JESSIE L. SERRANO,

10 Plaintiff,

11 vs.

12 SERGEANT JEFFERY L. LUCAS,

13 Defendant.  
14

1:11-cv-00399-EPG-PC

ORDER FOR DEFENDANT TO FILE  
FURTHER BRIEFING ON  
ADMISSIBILITY OF EVIDENCE  
BY MARCH 4, 2016

**Jury Trial: March 8, 2016, at 8:30 a.m. in  
Courtroom 10 (EPG)**  
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16 This civil rights action, brought pursuant to 42 U.S.C. § 1983, proceeds on the First  
17 Amended Complaint filed by state prisoner Jessie L. Serrano (“Plaintiff”) on April 14, 2011,  
18 against defendant Sergeant Jeffery L. Lucas (“Defendant”), for failure to protect Plaintiff, in  
19 violation of the Eighth Amendment. (ECF No. 6.)<sup>1</sup> This case is presently set for trial on March  
20 8, 2016 before Magistrate Judge Erica P. Grosjean.<sup>2</sup>

21 Upon further review of Defendant’s exhibit list for trial, the Court questions the  
22 admissibility of Plaintiff’s Rules Violations Reports by Defendant at trial, and requests further  
23 briefing by Defendant on this issue. (ECF No. 91 at 15 ¶¶29, 30.) In his Pretrial Statement,  
24 Defendant includes on his exhibit list (1) Rules Violation Report FC-01-09-0018, heard on  
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26 <sup>1</sup>On June 24, 2013, Plaintiff notified the Court that he wished to proceed only on the cognizable  
27 failure to protect claim against defendant Lucas. (ECF No. 12.)

28 <sup>2</sup>The parties to this action have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C.  
§ 636(c). (ECF Nos. 4, 39.)

1 October 16, 2001, and (2) Rules Violation Report F5-03-01-012, heard on January 28, 2003.  
2 (ECF No. 61 at 10 ¶¶29, 30.) To aid consideration, the parties are invited to submit further  
3 briefing on the admissibility of this evidence no later than March 4, 2016.

4 Accordingly, IT IS HEREBY ORDERED that if a party wishes to submit argument  
5 regarding the admissibility of Plaintiff's Rules Violations Reports by Defendant at trial, they  
6 must do so no later than March 4, 2016.

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8 IT IS SO ORDERED.

9 Dated: February 26, 2016

10 /s/ Eric P. Gray  
11 UNITED STATES MAGISTRATE JUDGE  
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