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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

WILBUR ATCHERLEY,	)	Case No.: 1:12cv00225 LJO DLB (PC)
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF’S MOTION TO
v.	)	COMPEL CDCR TO PERMIT HIM TO TAKE
	)	PHOTOGRAPHS OF HIS KNEE
CLARK, et al.,	)	
	)	(Document 124)
Defendants.	)	
	)	
	)	

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Plaintiff William Atcherley (“Plaintiff”) is a prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 28 U.S.C. § 1983. This action is proceeding on Plaintiff’s First Amended Complaint, filed on March 14, 2013, for violation of the Eighth Amendment and negligence against numerous Defendants.<sup>1</sup> Pursuant to Court order, discovery was to be completed by September 29, 2014.

On September 17, 2014, Plaintiff filed numerous motions to compel, including the instant motion. The motion originally requested an order to compel CDCR to photograph Plaintiff’s left knee, which is the subject of this action, prior to his upcoming knee replacement surgery.

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<sup>1</sup> On September 10, 2014, the Court granted Plaintiff leave to file a Second Amended Complaint naming Doe Defendants.

1 Defendants opposed the motion on October 8, 2014, and pointed out that the Court had already  
2 denied this request when it denied Plaintiff's motion to compel a response to an interrogatory  
3 requesting a picture. ECF No. 119.

4 Plaintiff filed a reply on October 8, 2014, and the motion is therefore deemed submitted  
5 pursuant to Local Rule 230(l).

6 **DISCUSSION**

7 In his reply, Plaintiff alters his request in response to Defendants' opposition. Plaintiff  
8 explains that there is a camera in the visiting room that inmates can use, at their own expense, to take  
9 pictures of themselves and/or their family. Plaintiff states that his wife and daughter are approved to  
10 visit him at Kern Valley State Prison, and he expects them to visit in the next 90 days.

11 Plaintiff states that he asked a Correctional Officer if he could use the camera to take pictures,  
12 and the officer said that he could. Plaintiff asked the officer if he could use the camera to take pictures  
13 of his knee for litigation purposes, but the officer said that he could not. Plaintiff now seeks an order  
14 compelling CDCR to permit him to use the camera to take pictures of his left knee, at his own  
15 expense, when he has access to the camera during an upcoming visit.

16 Plaintiff believes that there is no reason to prohibit him from using the camera to photograph  
17 his left knee, other than the fact that prison officials are attempting to "keep [him] from gathering  
18 evidence to prove [his] case." ECF No. 145, at 2.

19 First and foremost, this Court does not have jurisdiction over anyone at CDCR other than  
20 Defendants, none of whom appear to be in a position to grant Plaintiff's request. Second, it is not the  
21 job of this Court, or Defendants, to assist Plaintiff in *creating* evidence to help him prove his case.  
22 This is especially true where the requested relief would require the Court to interfere with prison  
23 policies.  
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Finally, the lack of photographic evidence of Plaintiff's knee, in its current state, will not necessarily be detrimental to his case.

Accordingly, Plaintiff's motion is DENIED.

IT IS SO ORDERED.

Dated: November 11, 2014

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE