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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTWOINE BEALER,  
  
                                Plaintiff,  
  
                                v.  
  
CORRECTIONAL OFFICER S. RIOS and  
SERGEANT R. BRANNUM,  
  
                                Defendants.

No. 1:12-cv-01516-DAD-EPG (PC)

ORDER DENYING FILING OF NON-PARTY  
SUBMISSIONS

Antwoine Bealer (“plaintiff”) is a state prisoner proceeding pro se and *in forma pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983, against defendants Correctional Officer S. Rios and Sergeant R. Brannum (“defendants”) for use of excessive force in violation of the Eighth Amendment.

On July 27, 2016, and August 2, 2016, plaintiff’s mother, Mae C. Tucker, contacted the court directly and attempted to file documents in connection with this action. In her communications with the court, Ms. Tucker objects to plaintiff being transferred to a different prison; suggests that plaintiff may not have access to certain of his legal documents; requests confirmation of the August 9, 2016 trial date; and asks whether she may bring clothes for plaintiff to wear at trial.

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1 Ms. Tucker is not a party to this action, and is not otherwise authorized to file documents  
2 on her son's behalf. Accordingly, the documents that she attempted to submit to the court will  
3 not be filed in the docket or considered as part of the record. *See, e.g., Medlyn v. Barnes*, No.  
4 2:13-cv-0898 TLN DAD P, 2013 WL 2360926, at \*14 (E.D. Cal. May 29, 2013) (striking from  
5 the record a letter filed by petitioner's mother-in-law because the letter was filed by a non-party  
6 not authorized to file documents on behalf of petitioner). Ms. Tucker is advised that any future  
7 filings by her will not be docketed as part of the record in this case.

8 With respect to her request concerning plaintiff's clothing during trial, Ms. Tucker is  
9 further advised that prisoners bringing civil rights claims for violation of constitutional rights  
10 during their confinement typically appear in prison clothing during trial, given that their condition  
11 as prisoners will be readily apparent to the jury due to the very nature of their claims—that the  
12 condition of their confinement violate their constitutional rights. Here, plaintiff has not provided  
13 to the court any indication that he prefers to appear in civilian clothing during trial. In the event  
14 that the plaintiff wishes to do so, he must make a request to the court directly so that it may be  
15 considered.

16 Accordingly, the submissions made by plaintiff's mother on July 27, 2016, and August 2,  
17 2016, will not be filed in the public docket of this action. Plaintiff's jury trial will proceed as  
18 scheduled on August 9, 2016, at 8:30 a.m. in Courtroom 5.

19 IT IS SO ORDERED.

20 Dated: August 2, 2016

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23 UNITED STATES DISTRICT JUDGE  
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