1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 HUSSEIN ALI KIETTY, Case No.: 1:13-cv-00312-SAB (PC) 12 Plaintiff, ORDER DENYING, WITHOUT PREJUDICE, 13 PLAINTIFF'S MOTION FOR THE ATTENDANCE v. OF INCARCERATED WITNESSES 14 A. WALKER, et al., [ECF No. 91] 15 Defendants. 16 Plaintiff Hussein Ali Kietty is appearing pro se and in forma pauperis in this civil rights action 17 pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(c), the parties have consented to the 18 19 jurisdiction of the United States Magistrate Judge. Local Rule 302. This case is set for jury trial 20 before the undersigned on August 15, 2017. 21 Currently before the Court is Plaintiff's motion for the attendance of incarcerated witnesses, 22 filed January 5, 2017. Defendants filed an opposition on January 20, 2017. 23 Plaintiff's motion is filed by Brandon Favor who purports to be an attorney with the Cochran 24 Law Firm in Los Angeles, California. Pursuant to Local Rule 131 and Rules 11 and 11 of the Federal Rules of Civil Procedure, 25 26 plaintiff, proceeding pro se, must sign every motion submitted to the Court. Local Rule 131(b); Fed. 27 R. Civ. P. 11(a). In addition, a non-lawyer "has no authority to appear as an attorney for others than

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himself." Johns v. County of San Diego, 114 F.3d 874, 877 (9th Cir. 1997) (quoting C. E. Pope Equity Trust v. United States, 818 F.2d 696, 697 (9th Cir. 1987)).

The Court take judicial notice under Federal Rule of Evidence 201 of the California State Bars website at www.calbar.ca.gov, and upon search of such website Brandon Favor is not licensed by the California State Bar to practice law in the state, nor does Mr. Favor provide a state bar licensing number on the motion. In addition, the Court has searched the website of the Cochran Law Firm in Los Angeles, California, at www.cochranlfirm.com, and Brandon Favor is not listed as an attorney employed with the firm. Moreover, the Court is familiar with the standard of work produced by the Cochran Law Firm, and the instant motion filed on January 5, 2017, is quite subpar to such standard. The Court takes further judicial notice of the fact that Brandon Alexander Favor, listed as a witness to attend the jury trial in the instant case, is an inmate incarcerated in the California Department of Corrections and Rehabilitation under inmate number G-60488, presently incarcerated at California Correctional Institution in Tehachapi, California. See www.cdcr.ca.gov. (inmate locator). Furthermore, the Court recognizes that Brandon Favor has been filing cases and/or documents on behalf of other inmates in cases pending in this Court. See Brandon Favor v. People of State of California, E.D. Cal. Case No. 1:16-cv-01922 MJS (HC), ECF No. 2 (noting "Favor is well known to this court. Since 2013, he has filed at least sixteen habeas petitions and seven § 1983 complaints in the Eastern District of California as well as filing additional petitions and complaints in the Central and Southern Districts of California. See Dickerson v. Vasquez, E.D. Cal Case No. 1:16-cv-1889-DAD-SKO, ECF No. 10.)

Because Mr. Favor has improperly filed the instant motion for the attendance of incarcerated on behalf of Plaintiff, who is appearing pro se, the Court must deny the motion, without prejudice. Both Plaintiff and Mr. Favor are admonished against improperly filing documents with the Court, which may result in the document being stricken from the record.

Further, to the extent that such an improper filing is attributable to the Plaintiff, the Plaintiff is admonished that this conduct may be deemed admissible impeachment evidence against him at trial. However, the court reserves any ruling unless and until the matter is raised in a motion in limine.

Further, a copy of this order along with the initial filing shall be served by the Clerk of the Court on the State Bar of California, Unauthorized Practice of Law Section, and the Cochran Law Firm in Los Angeles, California.

IT IS ORDERED that Plaintiff's Motion for Incarcerated Witnesses is denied without prejudice.

IT IS SO ORDERED.

Dated: **February 8, 2017**

UNITED STATES MAGISTRATE JUDGE