

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 JOHNATHAN HILL,
12 Plaintiff,

13 vs.

14 C/O J. CLARK, and
15 C/O A. RIVAS,
16 Defendants.
17

1:13-cv-00386-EPG-PC

ORDER GRANTING IN PART
PLAINTIFF'S MOTION
(ECF No. 93.)

18 Johnathan Hill ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights
19 action pursuant to 42 U.S.C. § 1983. This case is scheduled for trial on April 12, 2016 at 8:30
20 am before Magistrate Judge Erica P. Grosjean.¹

21 On February 22, 2016, Plaintiff filed a motion in which he makes five requests in
22 anticipation of trial. (ECF No. 93.)

23 (1) Examining Jurors

24 Plaintiff requests Judge Grosjean examine the jurors on Plaintiff's behalf under Rule 47.
25 Rule 47(a) of the Federal Rules of Civil Procedure provides: "The court may permit the parties
26

27 ¹ The parties have consented to Magistrate Judge jurisdiction under 28 U.S.C. 636(c), and on
28 August 10, 2015, this case was reassigned to the Magistrate Judge Erica P. Grosjean for all further proceedings,
including trial and entry of final judgment. (ECF No. 45.)

1 or their attorneys to examine prospective jurors or may itself do so. If the court examines the
2 jurors, it must permit the parties or their attorneys to make any further inquiry it considers
3 proper, or must itself ask any of their additional questions it considers proper.”

4 The Court intends to examine prospective jurors by asking various relevant questions
5 and then will give both parties an opportunity to ask additional questions if they choose to do
6 so.

7 (2) Verdict Forms

8 Plaintiff requests Judge Grosjean submit general verdict forms and written questions on
9 the issues of fact the jury must decide, under Rule 49(b). Rule 49(b)(1) of the Federal Rules of
10 Civil Procedure provides: “The court may submit to the jury forms for a general verdict,
11 together with written questions on one or more issues of fact that the jury must decide. The
12 court must give the instructions and explanations necessary to enable the jury to render a
13 general verdict and answer the questions in writing, and must direct the jury to do both.”

14 The Court will provide the parties with a proposed verdict form on the morning of trial
15 and will ask for any comments or objections before presenting it to the jury.

16 (3) Dummy for Use at Trial

17 Plaintiff requests the Court to provide him with “a dummy that’s 5’11”, 155 pounds” to
18 demonstrate at trial how defendants Clark and Rivas assaulted Plaintiff and how Plaintiff’s
19 body was positioned in his cell door. This request shall be denied. The Court does not have
20 such a dummy and has no legal obligation to provide one. Moreover, the Court finds it
21 sufficient for Plaintiff to use testimony, witness examination, and other evidence during the
22 trial to convey what happened.

23 (4) Yellow Legal Pad

24 Plaintiff requests the Court to provide him with a yellow legal pad to take notes during
25 trial. This request shall be granted.

26 (5) Federal Rules

27 Plaintiff requests copies of the Federal Rules of Civil Procedure and the Federal Rules
28 of Evidence for his use during trial. This request shall be granted.

