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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICK A. HAZELTINE,
Plaintiff,

v.

IAN YOUNG, BENJAMIN GAMEZ,
RASHAUN CASPER, JULIUS OLDAN,
PORFIRIO SANCHEZ NEGRETE,
DAVID AVILIA, CHARLES HO, and
RICKEY SMITH,
Defendants.

No. 1:14-cv-00056-DAD-GSA

ORDER REGARDING PLAINTIFF'S
MOTIONS

(Doc. Nos. 135, 136)

Plaintiff Rick Hazeltine is a civil detainee proceeding *pro se* and *in forma pauperis* with this civil rights action brought pursuant to 42 U.S.C. § 1983. This case now proceeds on plaintiff's First Amended Complaint filed on July 6, 2015, which alleges a claim of excessive use of force in violation of the Fourteenth Amendment against defendants Ian Young, Benjamin Gamez, Rashaun Casper, Julius Oldan, Porfirio Sanchez Negrete, David Avilia, Charles Ho, and Rickey Smith. (Doc. No. 27.) This case is scheduled for jury trial on August 7, 2018, at 1:00 p.m. before the undersigned.

On July 26, 2018, plaintiff filed two motions. In the first motion (Doc. No. 135), plaintiff requested that he be permitted to wear civilian clothing rather than prison garb at trial. Plaintiff also noted that his wife has attempted to provide plaintiff with clothing by mailing it to him at

1 Coalinga State Hospital, and requested an order that the Hospital accept such clothing and
2 provide it to plaintiff. The court has no objection to plaintiff appearing at trial in civilian clothes.
3 Accordingly, to the extent Coalinga State Hospital is in possession of plaintiff's civilian clothing,
4 the Hospital is requested to take the necessary steps to have that clothing transported with
5 plaintiff when he is brought to this court for trial. If plaintiff's civilian clothing has not arrived at
6 his place of confinement or is not transported with him for any reason, plaintiff is advised that his
7 family may bring clothes to the U.S. Marshal's Office at the federal courthouse in Fresno. There,
8 the clothing delivered will be searched and delivered to plaintiff. Plaintiff is advised that he will
9 be permitted to change into civilian clothing, if available, at the federal courthouse prior to his
10 appearance at trial.

11 With respect to plaintiff's second motion (Doc. No. 136), plaintiff has provided notice that
12 he seeks to make copies of a CD and DVD that he intends to introduce at trial, but that Coalinga
13 State Hospital has refused to permit him to make those copies. Plaintiff explains that he seeks to
14 make copies in order to provide them to the court and defense counsel in accordance with this
15 court's pretrial order. (*See* Doc. No. 107 at 5.) Given that trial is scheduled to commence next
16 week, the court will excuse plaintiff from his disclosure obligations under the pretrial order.¹ The
17 court will address this issue with the parties, if necessary, on the first day of trial.

18 IT IS SO ORDERED.

19 Dated: July 30, 2018

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UNITED STATES DISTRICT JUDGE

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¹ The court believes it is likely that defense counsel already has copies of the recordings. If not,
the matter will be resolved on the first day of trial.