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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RUBEN HERRERA,)	Case No.: 1:14-cv-00164-LJO-BAM (PC)
)	
Plaintiff,)	ORDER GRANTING DEFENDANTS'
)	MOTION TO FILE OR LODGE VIDEO
v.)	RECORDINGS WITH THE COURT
)	
JACOB REDDING,)	(Doc. No. 45)
)	
Defendant.)	
)	
)	

Plaintiff Ruben Herrera is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s motion to file or lodge video recordings with the Court, dated August 9, 2018. (Doc. No. 45.) Defendant seeks to introduce into evidence video footage from the events in question to support a motion for summary judgment under Federal Rule of Civil Procedure 56. The footage consists of three separate recordings from three different cameras, varying in length from 15 minutes to about 24 minutes. The footage will be provided to the Court in MP4 format on a compact disk.

The Court finds good cause to allow the compact disk of video files to be lodged with the Clerk of the Court. However, it is not fully clear that Plaintiff has had an opportunity to view all the video footage that Defendant seeks to reply upon. Defendant cites to Plaintiff’s May 17, 2018 deposition to support a statement that Plaintiff has reviewed the footage. (*Id.* at 2 (citing Herrera Dep. 21:6-7, 39:3-8.) In the deposition, Plaintiff discusses that he was provided one disk

1 with a short video, and it did not show three different angles or camera views, but only one view.
2 (Herrera Dep. 20:19-22:7.) He expressed some concern that the different angles may provide
3 information to dispute Defendant's version of events. (*See id.* at 21:23-22:1.) Thus, it is not
4 clear that Plaintiff was able to fully view the three video files to be provided to the Court.
5 Defendant's summary judgment motion has also now been filed, and cites to various portions of
6 all three of the video files. (*See* Doc. No. 47.)

7 Therefore, to the extent all three video files have not been made available to Plaintiff for
8 review, defense counsel must arrange for Plaintiff to view those videos before the Court will
9 consider the footage. Defendant must file a notice indicating that Plaintiff has been provided all
10 three videos for viewing, and setting forth the date and method, with the lodged compact disk.
11 Defense counsel shall comply with these requirements within thirty (30) days of this order.
12 Plaintiff shall also be granted an extension of time to respond to Defendant's summary judgment
13 motion until twenty-one (21) days after the videos are provided to him for viewing. Local Rule
14 230(l).

15 Accordingly, Defendant's motion to file or lodge video recordings with the Court (Doc.
16 No. 45) is GRANTED, as explained above.

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18 IT IS SO ORDERED.

19 Dated: August 10, 2018

20 /s/ Barbara A. McAuliffe
21 UNITED STATES MAGISTRATE JUDGE
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