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UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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AVERY HYPOLITE,	1:14-cv-01199-LJO-SAB (PC)

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Plaintiff,	**ORDER GRANTING DEFENDANT'S MOTION TO AMEND PRETRIAL ORDER AND WITNESS LIST (Doc. 106)**

7

v.

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R. ZAMORA

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Defendant.

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<u>ORDER</u>

13   Defendant R. Zamora, by and through counsel, filed an ex parte motion on May 18, 2017, for

14 leave to amend the pretrial order and his exhibit list to include the prior declarations or statements of

15 Fred Gordon, Egnacio Joshua, and Jesse Washington. Doc. 106. The Court has reviewed Defendant's

16 motion, and for the reasons stated below, Defendant's motion is GRANTED.

17   Plaintiff, a pro se prisoner, has been shown extreme leniency as regards deadlines in this case. Of

18 particularly relevance to the instant motion, on April 24, 2017, the Court granted Plaintiff additional

19 time to file motions to allow Mr. Joshua and Mr. Washington to testify, despite Plaintiff's failure to meet

20 his deadline to file a supporting declaration. Doc. 84. The Court denied Plaintiff's May 1, 2017, motion,

21 but nevertheless considered and granted Plaintiff's renewed motion filed on May 4, 2017. Docs. 90, 92,

22 93. The declarations supporting Plaintiff's successful motion are the same declarations which

23 Defendant now wishes to add to his exhibit list. In the interest of fairness and equal treatment, and in

24 order "to prevent manifest injustice" in accordance with Federal Rule of Civil Procedure 16(e), the

25 Court find that Defendant's motion should be granted.

1   Therefore, IT IS HEREBY ORDERED that the pretrial order (Doc. 81) and Defendant's exhibit

2   list (Doc. 105) shall be amended to include the declarations or statements of inmate witnesses Fred

3   Gordon, Egnacio Joshuam, and Jesse Washington as exhibits for Defendant's use in connection with the

4   cross-examination of the aforementioned witnesses.

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6   IT IS SO ORDERED.

7   Dated: **May 18, 2017**   **/s/ Lawrence J. O'Neill**
                                            UNITED STATES CHIEF DISTRICT JUDGE

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