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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

PETER GERARD WAHL,  
Plaintiff,  
v.  
SUTTON,  
Defendant.

Case No. 1:16-cv-01576-LJO-BAM (PC)

Appeal No. 18-15754

ORDER GRANTING IN PART MOTION  
FOR DOCUMENTS TO COMPRISE THE  
EXCERPTS OF RECORD ON APPEAL

(ECF No. 32)

ORDER DIRECTING CLERK OF COURT TO  
MAIL COPIES OF EXCERPTS OF RECORD  
ON APPEAL TO PLAINTIFF BY **JUNE 5,  
2018**

Plaintiff Peter Gerard Wahl, (“Plaintiff”), a former state prisoner proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On April 16, 2018, the Court dismissed this action for failure to state a claim. (ECF Nos. 25, 26.) On April 25, 2018, Plaintiff filed a notice of appeal. (ECF No. 27.)

On May 15, 2018, Plaintiff filed the instant request for production of record on appeal. (ECF No. 32.) Plaintiff requests that the Clerk of the Court produce two copies of ECF Nos. 1, 9–10, 12–16, 19–27, 31–32, to be served on Plaintiff and the United States Court of Appeals for the Ninth Circuit. (*Id.*)

With respect to Plaintiff’s request for transmittal of excerpts of the record to the Ninth Circuit, Plaintiff, as a *pro se* litigant, is not required to file an excerpt of record on appeal. Circuit Rule 30-1.2. Therefore, this portion of his request is denied. However, pursuant to Circuit Rule 30-3, Plaintiff’s request for copies of excerpts of the record on appeal, for his own use, is granted.

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To the extent Plaintiff seeks the return of original documents or the writings on the outside of original documents filed with the Court, Plaintiff is reminded that, as discussed in the Court's First Informational Order, the Clerk of the Court scans paper documents into the electronic court file and **discards the paper copies**. Plaintiff was instructed not to send original exhibits to the Court. (ECF No. 3, p. 2.)

Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's request for production of record on appeal, (ECF No. 32), is GRANTED IN PART. The Clerk of the Court is DIRECTED to mail copies of ECF Nos. 1, 9-10, 12-16, 19-27, 31-32 to Plaintiff at his current address of record by **June 5, 2018**.

IT IS SO ORDERED.

Dated: May 17, 2018

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE