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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REX CHAPPELL,)	
)	2:02-cv-02299-GEB-KJM
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
D. MCCARGAR, D. HOFFMAN, M.)	
MARTEL, C. PLILER, and D. HAMAD,)	
)	
Defendants.)	
_____)	

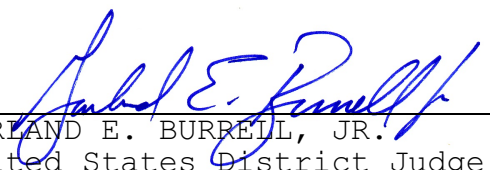
In a "Supplement To Pretrial Order" filed September 1, 2009, the Court directed the parties to address whether Plaintiff Chappell poses a security risk and therefore should have an ankle shackled during trial. (Docket No. 86.) Defendants filed a response in which they request Chappell be "restrained with leg irons attached to a weighted bucket under the inmate's courtroom table at all times during trial." (Docket No. 93, 2:10-11.) Defendants argue in support of this request: "[the] Litigation Coordinator at High Desert State Prison... informed [defense] counsel... that [Chappell] is classified as close B, with a score of 667; that the level IV classification begins with a score of 51, and that Plaintiff has an in-custody felony conviction for battery." (Id., 1:23-25.) Defendants further state, "because Chappell is housed at a level IV institution, he is considered a high safety and security risk." (Id., 2:4-5.)

1 Chappell filed a conclusory opposition to Defendant's request,
2 stating "Plaintiff isn't a violent man....[Plaintiff] is nearly (60)
3 years old. So he's not about to attempt to escape.... Plaintiff will not
4 be attempting to escape or do anything silly." (Docket No. 96, 1:16-17,
5 11:20-21, 1:24-25.)

6 Defendants have shown that Plaintiff poses a security risk.
7 Therefore he shall be restrained during trial with leg irons attached to
8 a weighted bucket which shall be shielded from the jury by privacy
9 panels.

10 IT IS SO ORDERED.

11 Dated: July 12, 2010

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14 _____
GARLAND E. BURRELL, JR.
United States District Judge