

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

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BARRY LAMON,

Plaintiff,

v.

D. LYTLE, et al.,

Defendants.

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No. 2:03-cv-00423-AK

ORDER

The trial date set for February 2, 2010 is vacated. A new trial date will be set by a forthcoming order. Pending trial, plaintiff shall remain in prison in Sacramento.

Plaintiff's request for an evidentiary hearing is denied. Plaintiff may present evidence of tampering with his medical records at trial, if otherwise admissible, but the question of possible tampering is sufficiently entwined with the issues in this case as not to require a separate evidentiary hearing.

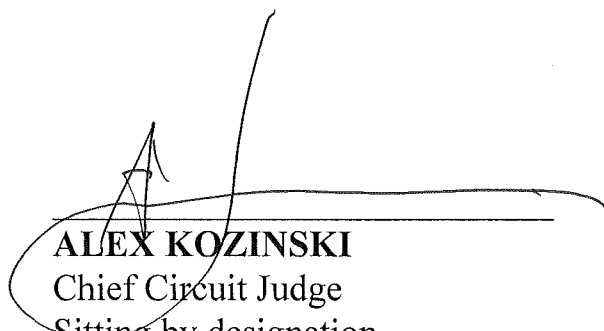
Plaintiff's motion in limine regarding prior bad acts evidence is denied as moot in light of the parties' stipulation that defendants may inquire into past felony

convictions but may not ask about the nature of the offense or any prison disciplinary infractions.

Any proposed voir dire questions shall be presented seven days before the first day of trial. Any proposed jury instructions shall be presented no later than the first day of trial.

The court assigns two days of trial to this case, including jury selection. The parties shall arrange the presentation of evidence and cross-examination so as to stay within this time limit.

December 1, 2009



ALEX KOZINSKI
Chief Circuit Judge
Sitting by designation