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

DWAYNE SWEARINGTON,

Plaintiff,

No. CIV S-06-1407 GEB KJM P

vs.

DR. WEDELL, et al.,

Defendants.

ORDER

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. He has filed several motions.

First, plaintiff has filed a motion asking that his criminal history be excluded from jurors at trial. This matter is not currently set for trial. If this case proceeds to trial, plaintiff will be given instructions as to when to file motions in limine. Therefore, plaintiff's May 24, 2010 motion in limine will be denied without prejudice.

In a motion filed May 5, 2010, plaintiff asks that the court order certain officials at the California Men's Colony to stop retaliating against plaintiff. However, he has not provided any valid legal basis for his request. This request will be denied.

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1 In the May 5, 2010 motion, and in a motion filed March 18, 2010, plaintiff asks
2 that the court make copies of certain documents and serve them on defendants. The court does
3 not provide this service. It is the case that all documents filed on the court's electronic docket
4 are transmitted by e-mail to all counsel in a case who are registered for electronic filing with the
5 court. See Local Rule135. Plaintiff's request will be denied.

6 Finally, plaintiff requests leave to file a second amended complaint to make two
7 changes to the facts alleged. Defendants Wedell, Duc and Duru oppose the motion. Because
8 plaintiff has not explained his three year delay in seeking amendment, his motion will be denied.
9 See Forman v. Davis, 371 U.S. 178, 182 (1962) (court may deny leave to amend because of
10 undue delay). Plaintiff's motion to amend will be denied.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff's motion in limine (#83) is denied without prejudice;
- 13 2. Plaintiff's May 5, 2010 "motion to petition for judicial assistance . . ." (#79) is
14 denied;
- 15 3. Plaintiff's March 18, 2010 "motion and petition for judicial assistance" (#70)
16 is denied; and
- 17 4. Plaintiff's motion for leave to file a second amended complaint (#77) is denied.

18 DATED: June 14, 2010.

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U.S. MAGISTRATE JUDGE

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