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

CLARENCE A. GIPBSIN,

Plaintiff,

No. CIV S-07-0157 MCE EFB P

vs.

SCOTT KERNAN, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Plaintiff objects the court’s December 20, 2011 pretrial order, on the ground that statements regarding his no-contest plea in a criminal matter should be stricken from the record. Dckt. No. 206. Defendants respond that plaintiff’s objection to defendants introducing or mentioning his no-contest plea should be properly raised in a motion in limine, not omitted from the pretrial order. Dckt. No. 207. As defendants point out, the issue of plaintiff’s no-contest plea must be contained in the pretrial order in order for them to raise it at trial. *Id.* (citing Fed. R. Civ. P. 16(d), (e)). Plaintiff’s objection is therefore overruled. Plaintiff may object to defendants’ use of evidence regarding his no-contest plea through a properly filed in limine motion. The

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1 Pretrial Order, which is now final, indicates that evidentiary issues must be addressed by  
2 appropriate in limine motions filed not later than twenty-one days before trial. Dckt. No. 204 at  
3 3.

4 So ordered.

5 DATED: February 27, 2012.

  
6 EDMUND F. BRENNAN  
7 UNITED STATES MAGISTRATE JUDGE  
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