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

ROBERT DUANE FRANKLIN,

Plaintiff,

No. CIV S-07-0656 JAM KJM P

vs.

BUTLER, et al.,

Defendants.

ORDER

Plaintiff is a state prison inmate proceeding pro se with a civil rights action under 42 U.S. C. § 1983. He has filed a motion to file an amended pretrial statement and a motion for the joinder of a party.

I. Motion To Amend

Plaintiff asks to amend his pretrial statement and his request for subpoenas for unincarcerated witnesses who refuse to testify voluntarily. Defendants have not opposed the motion. Plaintiff explains he prepared his original requests in haste, before the court vacated the earlier dates. He will be given the opportunity to file an amended pretrial statement and request for the presence of unincarcerated witnesses.

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1 II. Motion For Joinder

2 Plaintiff seeks to join Lieutenant Williams as necessary for just adjudication under  
3 Rule 19(a) of the Federal Rules of Civil Procedure. Under that rule, a non-party may be joined if  
4 complete relief cannot be granted in his absence. Disabled Rights Action Committee v. Las  
5 Vegas Events, 375 F.3d 861, 878 (9th Cir. 2004). In this case, Lieutenant Williams was a  
6 witness to the events at issue. His absence as a party does not prevent this court from fashioning  
7 meaningful relief between the parties. Northrop Corporation v. McDonnell Douglas  
8 Corporation, 705 F.2d 1030, 1043-46 (9th Cir. 1983).

9 III. Trial

10 The matter is set for trial on November 15, 2010 at 9:00 a.m. in Courtroom Six  
11 before the Honorable John A. Mendez. The pretrial conference on the papers only will be held  
12 on October 20, 2010.

13 IT IS THEREFORE ORDERED that:

14 1. Plaintiff's motion to amend his pretrial statement (docket no. 73) is granted;  
15 plaintiff's amended pretrial statement and request for the presence of witnesses is due no later  
16 than October 13, 2010.

17 2. Plaintiff's motion for joinder (docket no. 74) is denied.

18 3. Trial is set for November 15, 2010 at 9:00 a.m. in Courtroom Six before the  
19 Honorable John A. Mendez.

20 DATED: September 28, 2010.

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24 U.S. MAGISTRATE JUDGE