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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL BAKER,  
Plaintiff,  
v.  
PEREZ, et al.,  
Defendants.

No. 2: 09-cv-2757 MCE KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. This action is set for jury trial before the Honorable Morrison C. England on January 5, 2015. On April 16, 2014, the court issued a pretrial order. Pending are several motions filed in response to the pretrial order.

Plaintiff's Motion to Supplement Witness List (ECF No. 165)

On April 21, 2014, plaintiff filed a motion to supplement his witness list. (ECF No. 165.) This motion lists all of the witnesses identified in plaintiff's pretrial statement and discussed in the pretrial order but for Nurse Barton and Debbie Arizmendi. Plaintiff's supplemental witness list contains a description of the testimony of all proposed witnesses, incarcerated and unincarcerated. Plaintiff states that he did not understand that his original pretrial statement was required to contain this showing regarding his proposed unincarcerated witnesses.

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1 The November 6, 2013 further scheduling order (ECF No. 149) required plaintiff's  
2 pretrial statement to contain a description of the testimony of his proposed incarcerated witnesses.  
3 This showing was not required for plaintiff's proposed unincarcerated witnesses. For this reason,  
4 plaintiff's motion to supplement his witness list is denied as unnecessary. If plaintiff does not  
5 intend to call witnesses listed in the pretrial order, he shall notify the court and defendants.

6 Plaintiff's Motion for Sanctions ECF No. 168)

7 In the motion for sanctions filed June 11, 2014 (ECF No. 168), plaintiff alleges that  
8 defendant Medina's pretrial statement lists many witnesses and exhibits that were not previously  
9 disclosed. Plaintiff alleges that several of these witnesses and exhibits should have been  
10 identified in response to plaintiff's discovery requests. Plaintiff requests that defendant Medina  
11 be sanctioned for failing to disclose these witnesses and exhibits in response to his discovery  
12 requests. In particular, plaintiff requests that defendant Medina be prohibited from calling these  
13 witnesses and introducing these exhibits at trial.

14 In his objections to plaintiff's motion for sanctions (ECF No. 169), defendant Medina  
15 argues that plaintiff's arguments in his motion for sanctions are more appropriately raised in a  
16 motion in limine. The undersigned agrees. Motions in limine must be filed seven days prior to  
17 trial. The jury trial is set for January 5, 2015. Because the jury trial is approximately six months  
18 away, plaintiff's motion for sanctions is premature. Accordingly, plaintiff's motion for sanctions  
19 is denied without prejudice.

20 Defendant's Objections to the Pretrial Order (ECF No. 166)

21 Defendant Medina objects that three witnesses listed as defense witnesses in the pretrial  
22 order, i.e., Litigation Coordinators Amrein, Kimbrell and Herrera, were not intended to be  
23 defendant's trial witnesses. Defendant states that these three persons were listed in defendant's  
24 pretrial statement for the purpose of contacting defense trial witnesses. Defendant requests that  
25 these persons be removed from the defense trial witness list contained in the pretrial order.

26 Good cause appearing, Litigation Coordinators Amrein, Kimbrell and Herrera are  
27 removed from the defense trial witness list contained in the pretrial order.

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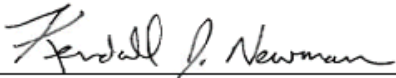
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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to supplement his witness list (ECF No. 165) is denied;
2. Plaintiff's motion for sanctions (ECF No. 168) is denied;
3. Litigation Coordinators Amrein, Kimbrell and Herrera are removed from the defense trial witness list contained in the pretrial order.

Dated: July 10, 2014

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE