IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

HARALD MARK GALZINSKI,

Plaintiff, No. CIV S-10-2860 KJM CKD P

vs.

CITY OF SACRAMENTO, et al.,

Defendants. ORDER

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Plaintiff has filed a motion in which he requests that the court order unspecified persons at the Sacramento County Jail to preserve evidence collected on December 17, 2003 relating to plaintiff's being arrested that day. The biggest problem with plaintiff's motion is that it is not clear the evidence still exists. Therefore, plaintiff's motion will be denied. However, plaintiff may re-file his motion if he learns through discovery, or some other means, that relevant evidence is not being preserved despite the duty of parties in federal court to do so. See Young v. Facebook, Inc., No. 5:10-cv-03579-JF/PVT, 2010 WL 3564847, *1 (N.D. Cal. Sept. 13, 2010).

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Accordingly, IT IS HEREBY ORDERED that plaintiff's July 13, 2011 "motion for protective order" is denied without prejudice.

Dated: August 25, 2011

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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