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

DANIEL DAVIS,

Plaintiff,

No. 2:11-cv-2585 JFM (PC)

vs.

S.M. SALINAS, Warden, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se in this action filed pursuant to 42 U.S.C. § 1983. Pending is plaintiff’s motion for an order directing defendants to retain the video surveillance of a February 2, 2011 incident at issue in plaintiff’s complaint. Plaintiff seeks an order protecting the video from loss, destruction or tampering.

Plaintiff is informed that defendants have a standing obligation not to destroy evidence which they know, or should know, is relevant to the case. In addition, plaintiff, by his pleading, has certainly placed defendants on further notice of their obligation. However, because plaintiff has not set forth any evidence that defendants have, or plan to, destroy relevant evidence, plaintiff’s motions will be denied as unnecessary

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Accordingly, IT IS HEREBY ORDERED that plaintiff's February 23, 2012  
motion for court order is denied.  
DATED: March 30, 2012.

  
UNITED STATES MAGISTRATE JUDGE

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