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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HARRISON BURTON,
Plaintiff,
v.
F. FOULK, et al.,
Defendants.

No. 2:13-cv-2123 JAM DB P

ORDER

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 21, 2019, plaintiff filed a motion in limine to exclude evidence that is “impermissibly inflammatory” at trial. (ECF No. 47). At the same time, he also filed a motion for writ of habeas corpus ad testificandum to permit certain inmate witnesses to testify at trial on his behalf. (ECF No. 48).

Currently pending in this matter is a ruling on the undersigned’s September 25, 2019, findings and recommendations on defendants’ motion for summary judgment. (See ECF Nos. 33, 44). As a result, it has yet to be determined whether this case will be dismissed. Consequently, these pre-trial motions are premature.

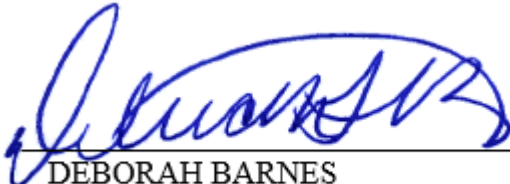
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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion in limine, filed October 21, 2019 (ECF No. 47), is DENIED as premature, and
2. Plaintiff's motion for writ of habeas corpus ad testificandum, filed October 21, 2019 (ECF No. 48), is also DENIED as premature.

Dated: October 29, 2019



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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