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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN GRIGSBY,
Plaintiff,
v.
M. MUNGUIA, et al.,
Defendants.

No. 2:14-cv-0789 GEB AC P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He has submitted a “motion to file charges for lying under oath” wherein he claims that defendants’ counsel lied about being unable to produce video evidence that was sought in discovery. ECF No. 110. Despite plaintiff’s request that felony perjury charges be brought against defendants’ counsel, the court will construe this as a motion for sanctions. Plaintiff cannot bring a criminal action himself, nor can he petition this court to compel such a prosecution. See Maine v. Taylor, 477 U.S. 131, 137 (1986) (“private parties . . . have no legally cognizable interest in the prosecutorial decisions of the Federal Government”). Defendants have filed a response opposing the motion. ECF No. 114.

The video evidence, which purportedly shows an interview conducted by non-party Lt. Hobart, has previously been a point of contention between the parties. On May 28, 2015, the court ordered defendants to file a declaration confirming that plaintiff had been allowed to view

1 the video or explaining why they were unable to produce it. ECF No. 46. Defendants' counsel
2 filed a response in which she stated that, despite a diligent search, the video could not be located.
3 ECF No. 47. The court denied plaintiff's motion to compel the video after accepting this
4 declaration. ECF No. 66 at 5-6.

5 In his current motion, plaintiff points to a report of findings which defendants produced
6 during discovery and argues that it establishes that the long sought video exists. ECF No. 110 at
7 2-3. Defendants respond that the report indicates only that the Hobart interview occurred – a fact
8 which is undisputed. ECF No. 114 at 2-3. It does not speak to their ability to locate the video.
9 Id. The court agrees with defendants. Plaintiff has not produced any evidence that defendants'
10 counsel lied to the court about being unable to locate the video. This issue has already been
11 adjudicated and, absent any new evidence to the contrary, the court sees no reason to discredit
12 counsel's previous statement.

13 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for sanctions (ECF No.
14 110) is denied.

15 DATED: May 2, 2017

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17 ALLISON CLAIRE
18 UNITED STATES MAGISTRATE JUDGE
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