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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERALD SPENCE,  
  
  Plaintiff,  
  
  v.  
  
STAMBAUGH, et al.,  
  
  Defendants.

No. 2:14-cv-1170 WBS AC P

ORDER

Plaintiff’s “request” filed September 26, 2019 is construed in part as a motion for discovery. Plaintiff states in pertinent part that he requires a duplicate video of his booking by Sacramento officials, which defendants previously produced to plaintiff in discovery.<sup>1</sup> As stated in the April 18, 2019 declaration of defense counsel Megan E. Nevin, “The incident involving Plaintiff was . . . taped by the surveillance cameras in the booking area of the jail. This footage has been produced to Plaintiff.” ECF No. 78-1 at 2, ¶ 6. Plaintiff now explains that the video he previously obtained was lost by officials of the California Department of Corrections and Rehabilitation when plaintiff was temporarily transferred among institutions to attend a settlement conference in this case which was abruptly cancelled.

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<sup>1</sup> There is no judicial recourse for plaintiff’s pursuit of the loss of his personal items. See Barnett v. Centoni, 31 F.3d 813, 816 (9th Cir.1994) (per curiam).

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's request filed September 26, 2019, ECF No. 114, construed in pertinent part as a motion for duplicate discovery, is granted.
2. Defense counsel shall, within fourteen (14) days after the filing date of this order:
  - (a) provide plaintiff with a duplicate copy of his relevant booking video, and (b) file and serve a statement so informing the court.

DATED: October 28, 2019

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE