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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DARRELL DIETLE,

12 Plaintiff,

13 v.

14 RAFAEL MIRANDA, et al.,

15 Defendants.
16

No. 2:14-cv-1728 WBS AC P

ORDER

17 Plaintiff is a state prisoner proceeding through counsel with a civil rights action pursuant
18 to 42 U.S.C. § 1983. On January 30, 2017, the Clerk of the Court filed plaintiff's pro se motion
19 for polygraph. ECF No. 36. As a threshold matter, there is no legal basis for plaintiff's pro se
20 motion for polygraph. The results of a polygraph examination are not actual evidence of the
21 events that occurred and the court can see no purpose for its submission other than to bolster
22 plaintiff's credibility. Credibility determinations are the function of the jury, not of a judge on a
23 motion for summary judgment. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986).
24 Plaintiff has already submitted sworn statements in his declarations (ECF Nos. 28-4, 31-1)
25 regarding the relevant facts in this case. Additionally, plaintiff is represented by counsel and
26 therefore any pro se motions will be disregarded.

27 Accordingly, IT IS HEREBY ORDERED that:

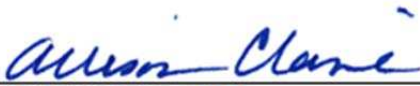
- 28 1. Plaintiff's motion for polygraph (ECF No. 36) is denied.

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2. Any further pro se motions will be disregarded.

3. The Clerk of the Court is directed to serve a courtesy copy of this order on plaintiff, Darrell Dietle, CDCR #T-89292, at Salinas Valley State Prison, P.O. Box 1050, Soledad, CA 93960.

DATED: February 2, 2017


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE