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 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
 11 SACRAMENTO DIVISION

12 **KEITH CANDLER,**

13 Plaintiff,

14 v.

15 **J. LEBECK, et al.,**

16 Defendants.
 17

2:17-cv-02436 DJC CKD (PC)

**STIPULATION AND ORDER
 REGARDING UNDISPUTED FACTS**

Courtroom: 10
 Judge: The Hon. Daniel J. Calabretta
 Trial Date: October 23, 2023
 Action Filed: November 20, 2017

18 **INTRODUCTION**

19 This case is set for trial on October 23, 2023, at the U.S. District Court in Sacramento.
 20 (Pretrial Order, ECF No. 95 at 1.) Having met and conferred, the parties hereby submit a
 21 proposed stipulation regarding certain facts that will be undisputed at trial.

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1 **STIPULATION**

2 Plaintiff Candler and Defendants Lebeck and Huynh hereby agree that the following facts
3 are undisputed for the purposes of trial:

4 1. Plaintiff Keith Candler is a convicted felon.

5 2. At all relevant times, Candler was a California state prisoner in the custody of the
6 California Department of Corrections and Rehabilitation (CDCR).

7 3. At the time of the events at issue, Candler was incarcerated at California State Prison,
8 Sacramento.

9 4. At the time of the events at issue, Defendant Huynh was employed as a Correctional
10 Officer at California State Prison, Sacramento.

11 5. At the time of the events at issue, Defendant Lebeck was employed as a Correctional
12 Officer at California State Prison, Sacramento.

13 6. On June 10, 2016, Plaintiff Candler and inmate Randall fought on the prison yard on
14 Facility B at California State Prison, Sacramento.

15 7. On June 10, 2016, non-party prison staff deployed pepper spray to stop the fight
16 between Candler and inmate Randall.

17 8. Officers Lebeck and Huynh did not deploy pepper spray on or towards Candler or
18 inmate Randall on June 10, 2016.

19 It is so stipulated.

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21 Dated: 10-2-2023 
22 Keith Candler (K629679)
23 Plaintiff Pro Se

24 Dated: 10/03/2023 /s/ Martha Ehlenbach
25 Martha Ehlenbach
26 Deputy Attorney General
27 California Attorney General's Office
28 *Attorneys for Defendants Lebeck and Huynh*

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ORDER

Based on the parties' stipulation and good cause appearing, the Court accepts the parties' stipulation regarding undisputed facts.

IT IS SO ORDERED.

Dated: October 4, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE