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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN McCLINTOCK,  
Plaintiff,  
v.  
T. COOPER, et al.,  
Defendants.

No. 2: 18-cv-0560 JAM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s “motion for preservation of evidence from spoilage.” (ECF No. 36.) For the reasons stated herein, plaintiff’s motion for preservation of evidence is denied.

Plaintiff alleges that he received responses to discovery requests from defendants that were evasive, such as “I don’t not recall.” Based on these responses, plaintiff contends that it is reasonable to infer that defendants will actively participate in the destruction of evidence that could be used to refresh their memories. Plaintiff requests that the court order the Office of the Attorney General to ensure that no evidence is destroyed.

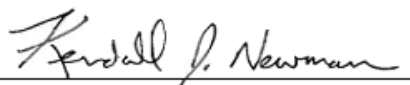
Defendants’ alleged responses do not suggest that defendants intend to destroy relevant evidence. Plaintiff’s claim that defendants intend to destroy relevant evidence is unsupported.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for the preservation of evidence (ECF No. 36) is denied.

Dated: March 31, 2020

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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