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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CESAR URIBE,

No. C 13-01106 WHA

Plaintiff,

v.

**ORDER REGARDING JURY
INSTRUCTION ON
CREDIBILITY**

PHILIP BABIENCO,

Defendant.

At the final pretrial conference, counsel for defendant requested a jury instruction on credibility that would allow the jury to take into account plaintiff's incarceration. This request stood in contradiction to the concession that defendant would not seek to impeach plaintiff via prior convictions. After the hearing, the Court could not find any such proposed jury instruction and therefore required counsel for defendant to submit the proposed jury instruction by July 22, 2016, at noon.

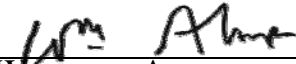
The Court has now reviewed the materials submitted and finds the proposed instruction confusing and unwarranted. Counsel for defendant asked for a jury instruction based on Ninth Circuit Model Instruction 2.9, which has nothing to do with this case. The other proposed model jury instruction bears upon the First Amendment. This is not a First Amendment action.

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The proposed jury instruction regarding the credibility of the plaintiff will not be allowed.

IT IS SO ORDERED.

Dated: July 25, 2016.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE