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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES ELLIS JOHNSON,
Plaintiff,
v.
UNITED STATES OF AMERICA,
Defendant.

Case No. [13-cv-02405-JD](#)

ORDER
Re: Dkt. No. 256

On March 28, 2016, the Court ordered the San Francisco Sheriff’s Department to provide a statement “confirming that a copy of each and every photograph taken” of plaintiff James Johnson pursuant to his arrest on January 30, 2012 was provided to the San Francisco City Attorney’s Office. Dkt. No. 271. The Court further required that a deputy city attorney “should then confirm that all of those photos were produced to Johnson.” *Id.*

In response, Freya Horne, Legal Counsel for the San Francisco Sheriff’s Office, declared that when her office “requested photos to be provided in response to this request, we were able to locate three mug shot photos, and the photo on the housing card.” Dkt. No. 275 ¶ 3. She states she has “no reason to believe that any photos were destroyed or erased.” *Id.* As far as she is aware, “the Department has no way of changing or cropping photos taken during intake, and no one change[d] or altered the photos in any way before providing them to me for production to the City Attorney’s office.” *Id.* ¶ 4. She reports that a supervisor at the County Jail checked the system in March 2016 and did not find any additional photos of Johnson. *Id.* ¶ 4.


Deputy City Attorney Margaret Baumgartner confirms that all four photos found by the Sheriff’s Department were provided to Plaintiff “without modification.” Dkt. No. 274.

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These representations are sufficient to close the matter. Plaintiff's request for reconsideration of Judge Vadas' February 26, 2016 discovery order is denied. *See* Dkt. No. 256.

IT IS SO ORDERED.

Dated: April 5, 2016



JAMES DONATO
United States District Judge