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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TREMAYNE COLLIER,
Plaintiff,

v.

SHERIFF MICHAEL HENNESSEY, *et al.*,
Defendants.

No. C-06-1143 CW (EMC)

**CORRECTED ORDER DENYING
PLAINTIFF’S MOTION TO COMPEL
(Correction in bold and green highlight)
(Docket No. 161)**

The Court has reviewed Plaintiff’s Motion to Compel Compliance with the Court’s January 21, 2011 Order and supporting papers. Defendants’ untimely opposition, Docket No. 166 (filed 4 days after the deadline set by this Court (*see* Docket No. 165)), is stricken. Defendants provide no good cause excusing their late filing.

Good cause appearing therefor, the Court **DENIES** Plaintiff’s motion. The Court has reviewed the pleadings in *Spears & Wigfall v. CCSF*, No. 06-4968 VRW and concludes the claims therein do not constitute claims for excessive force for which discovery was ordered under this Court’s order of January 21, 2011 (Docket No. 133). In that case, there was no independent claim of excessive force unconnected with the alleged sexual acts; at most, there is a reference to one threat


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1 of the use of force. The Court notes that Judge Wilken's order on motions in limine precludes
2 evidence of complaints related to Neu's sexual behavior in jail, which is the gravamen of the
3 complaint in *Spears*.

4 This order disposes of Docket No. 161.

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6 IT IS SO ORDERED.

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8 Dated: March 30, 2011

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12 EDWARD M. CHEN
13 United States Magistrate Judge
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