

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

3  
4 ISAAH N. WILLIAMS,  
5                                    Plaintiff,  
6                                    v.  
7 DEBRA WILLIAMS,  
8                                    Defendant.

---

No. C 07-4464 CW  
  
ORDER DENYING  
MOTION FOR RELIEF  
FROM  
NONDISPOSITIVE  
PRETRIAL ORDER OF  
MAGISTRATE JUDGE

9  
10                                    On May 16, 2013, Plaintiff Isaiah Williams moved for  
11 discovery sanctions against Defendant Debra Williams "for  
12 spoliating and failing timely to produce evidence, as well as  
13 making misrepresentations regarding the same." Docket No. 146.  
14 In particular, Plaintiff alleged that Defendant and her employer,  
15 the California Department of Corrections and Rehabilitation  
16 (CDCR), withheld certain photographs and training records that  
17 Plaintiff had requested several months earlier. On June 20, 2013,  
18 Magistrate Judge Beeler denied Plaintiff's motion for sanctions.  
19 See Docket No. 179. Her order noted that Plaintiff had received  
20 the photographs he requested on May 7, 2013, more than a full week  
21 before he filed his motion and two full months before trial was  
22 set to begin. Id. at 8.

23                                    Plaintiff filed the instant motion on June 25, 2013, seeking  
24 relief from Judge Beeler's order. He asks the Court to reconsider  
25 his earlier requests to (1) bar Defendant from using photographs  
26 of Plaintiff during her opening statement and (2) allow Plaintiff  
27 to state during his opening and closing statements that Defendant  
28 and CDCR withheld evidence.

1 This motion is DENIED. After reviewing Judge Beeler's order,  
2 as well as the parties' briefing on the matter, the Court finds  
3 that Judge Beeler's order is neither "clearly erroneous" nor  
4 "contrary to law." Fed. R. Civ. P. 72(a). Accordingly, both  
5 parties may use the photographs of Plaintiff during their opening  
6 statements, subject to the Federal Rules of Evidence.  
7 Furthermore, Plaintiff may not assert that Defendant and CDCR  
8 withheld evidence without presenting admissible evidence to  
9 support that assertion.

10 Nothing in this order shall prevent Plaintiff from presenting  
11 evidence at trial that any of Defendant's witnesses, including  
12 Defendant herself, misrepresented the existence or availability of  
13 any CDCR photographs or records. Evidence of such  
14 misrepresentations by specific CDCR officers and officials is  
15 relevant to the credibility of those officers and officials and,  
16 as such, may be introduced for impeachment purposes.

17 IT IS SO ORDERED.

18  
19 Dated: 7/3/2013

  
\_\_\_\_\_  
CLAUDIA WILKEN  
United States District Judge