

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAURICE MOORE,

Plaintiff,

Case No. 12-cv-14783

Hon. Matthew F. Leitman

v.

CARMEN PALMER *et al.*,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S
MOTION IN LIMINE FOR ADMISSION OF COLOR ENHANCED
PHOTOS OR ALTERNATIVELY FOR SPOILATION INSTRUCTION
(ECF #140)**

Plaintiff Maurice Moore (“Moore”) is a former inmate of the Michigan Department of Corrections (“MDOC”). Moore asserts that Defendants violated his Eighth Amendment rights by failing to protect him while being aware of threats against his safety while he was incarcerated in the MDOC. (*See* Compl., ECF #1.) On February 8, 2018, Plaintiff filed a “Motion in Limine for Admission of Color Enhanced Photos or Alternatively for Spoliation Instruction” (the “Motion in Limine for Admission of Color Enhanced Photos”). (*See* ECF #140.)

On March 6, 2018, the Court held a final pretrial conference in this matter in which it heard argument on the Motion in Limine for Admission of Color Enhanced Photos.

For the reasons stated on the record at the hearing on March 6, 2018, **IT IS HEREBY ORDERED THAT** the Motion in Limine for Admission of Color Enhanced Photos (ECF #140) is **GRANTED IN PART** and **DENIED IN PART** as follows:

- a. The Motion in Limine for Admission of Color Enhanced Photos is **GRANTED** to the extent it seeks to admit color-enhanced photographs for which Plaintiff is able to lay an appropriate foundation for admission.
- b. The Motion in Limine for Admission of Color Enhanced Photos is **DENIED** to the extent it asks the Court to give a spoliation instruction to the jury.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 7, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 7, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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