



1 I deny Ousdale's request in his reply brief for an additional sanction. Ousdale cannot  
2 request new relief in a reply brief. *See Carstarphen v. Milsner*, 594 F. Supp. 2d 1201, 1204 n.1  
3 (D. Nev. 2009). Additionally, questions about credibility, authenticity, and accuracy of the  
4 photos, as well as the weight to be given to that evidence, will be questions for the jury to  
5 resolve. *See, e.g., United States v. Evans*, 728 F.3d 953, 962 (9th Cir. 2013); *United States v.*  
6 *Zuno-Arce*, 44 F.3d 1420, 1423 (9th Cir. 1995); *Alexander Dawson, Inc. v. N.L.R.B.*, 586 F.2d  
7 1300, 1302 (9th Cir. 1978).

8 IT IS THEREFORE ORDERED that my prior order on spoliation sanctions (ECF No.  
9 64) remains unchanged.

10 DATED this 12th day of September, 2019.



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11 ANDREW P. GORDON  
12 UNITED STATES DISTRICT JUDGE  
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