

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Thomas Alan Skalicky,)	
)	
Plaintiff,)	ORDER (AMENDED)
)	
vs.)	
)	
Kolby Braun, Troy Schutz, and Lean)	
Lean Bersearch,)	
)	Case No. 1:12-cv-061
Defendants.)	

Plaintiff is an inmate at the Missouri River Correctional Center. He initiated the above-entitled action in May 2012, asserting, inter alia, that the MRCC law library's computer was inadequate and out of date. On June 5, 2012, plaintiff filed a document captioned "Motion for Order of Seizure of Person or Property Under Federal Rules of Civil Procedure." Citing Fed. R. Civ. P. 64, he seeks an order from the court prohibiting defendants from replacing or altering the current law library computer.

Fed. R. Civ. P. 64(a) "provides for seizing a person or property to secure satisfaction of the potential judgment." Here, it does not appear that the motivation for plaintiff's motion was to secure satisfaction of a potential judgment. Rather, he presumably wants to preserve what he considers to be crucial evidence.

The court finds no basis for seizing the law library computer at this time. There is nothing in plaintiff's submissions to create any concern about the integrity of or threat to any evidence. Absent any threat to the continuing integrity or existence of the evidence, a preservation order is superfluous. Plaintiff's motion (Docket No. 8) is therefore **DENIED**.

IT IS SO ORDERED.

Dated this 12th day of June, 2012.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge