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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 JAMES M. HINKLEY,

7 Plaintiff,

No. C12-5969 RBL/KLS

8 v.

ORDER DENYING MOTION TO  
SUPPRESS EVIDENCE

9 ELDON VAIL, SCOTT RUSSELL,  
10 KERRY ARLOW, JEFFREY L.  
CARLSEN, STEVE DEMARS, JOHN  
AND JANE DOES 1-32,

11 Defendants.

12 Before the Court is Plaintiff's Motion to Suppress Evidence. ECF No. 48. Having  
13 carefully considered the motion, Defendants' response (ECF No. 53), and balance of the record,  
14 the Court finds that the motion should be denied.

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16 **DISCUSSION**

17 In this civil rights action, Mr. Hinkley alleges that Defendants violated his Fourth,  
18 Eighth, and Fourteenth Amendment rights through the mistreatment he suffered while on dry cell  
19 watch for almost three days. ECF No. 4. In this motion, Mr. Hinkley seeks to suppress evidence  
20 of his past introduction of contraband into the Washington Corrections Center (WCC) and "all  
21 confidential information" from Defendants' jury trial and summary judgment arguments. ECF No.  
22 48.

23  
24 In his motion, Mr. Hinkley states that because he is not seeking a determination that there  
25 was a lack of probable cause as to his placement on the dry cell watch, therefore any evidence of  
26 contraband that he may or may not have brought in will not be at issue. ECF No. 48 at 1. A

ORDER - 1

1 liberal construction of Plaintiff's motion is that he seeks to limit the inclusion of any evidence of  
2 contraband in Defendants' motion for summary judgment and/or at trial of this matter. Plaintiff  
3 provides no authority for the suppression of evidence in a civil proceeding and his attempt at this  
4 juncture of the proceeding to limit the evidence that will be presented at trial is premature.

5 Accordingly, it is **ORDERED**:

6 (1) Plaintiff's motion to suppress evidence (ECF No. 48) is **DENIED**.

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8 (2) The Clerk shall send a copy of this Order to Plaintiff and to counsel for  
9 Defendants.

10 **DATED** this 15th day of July, 2013.

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13 Karen L. Strombom  
14 United States Magistrate Judge  
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