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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PATRICK K. GIBSON,

Plaintiff,

v.

EDITH KROHA,

Defendant.

CASE NO. 3:17-CV-5187-RBL-DWC

ORDER GRANTING MOTION TO
SUPPLEMENT

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. On August 12, 2019, the Ninth Circuit remanded to this Court Plaintiff Patrick Gibson’s claim against Defendant Edith Kroha alleging constitutionally inadequate medical care. Dkt. 61, 66. Pending before the Court is Plaintiff’s Motion to Supplement the Record. Dkt. 88.¹

On February 25, 2020, Plaintiff filed the Motion requesting permission to supplement the record with medical request and accident report forms arising from an unrelated injury. Dkt. 88.

¹ Also pending before the Court is Defendant’s Motion for Summary Judgment, which is ready for the Court’s consideration on April 17, 2020. Dkt. 87.

1 Defendant filed a Response requesting the Court deny the Motion because the documents
2 Plaintiff seeks to include in the record are unrelated to the claim in this case. Dkt. 92.

3 The Court cannot rely on irrelevant facts when deciding issues in a case. *See Gaub v.*
4 *Profl Hosp. Supply, Inc.*, 845 F. Supp. 2d 1118, 1128 (D. Idaho 2012). However, striking
5 irrelevant evidence from the record would be duplicative of the summary judgment standard. *See*
6 *Burch v. Regents of University of California*, 433 F.Supp.2d 1110, 1119–20 (E.D. Cal. 2006).
7 Therefore, to ensure Plaintiff is able to fully develop the record, the Court grants Plaintiff's
8 Motion to Supplement (Dkt. 88). However, as the Court has previously explained, the Court will
9 consider only evidence which is material to the allegations in the Complaint in ruling on
10 motions, including any motions for summary judgment.

11 Dated this 1st day of April, 2020.

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14 David W. Christel
15 United States Magistrate Judge
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