



1 character or character trait is not admissible to prove that on a particular occasion the person  
2 acted in accordance with the character or trait.” FRE 404(a)(1).

3           The Court will deny Sutton’s motion to add the Senate Bill Report to the record. Sutton  
4 has not shown that the Report is relevant to any of the issues in his Section 1983 suit, which  
5 pertains to the conduct of three individual defendants. The testimony recounted in the Report—  
6 even if it does not constitute inadmissible hearsay—has no tendency to make more or less  
7 probable Sutton’s assertion that defendants Heaward, Kettel, and McKenney conspired to  
8 wrongfully infract him, nor any other fact of consequence to his due process and retaliation  
9 claims. Rather, as defendants also point out, Sutton’s motion appears to rely on an impermissible  
10 inference that DOC employees have a propensity to retaliate and that the three defendants acted  
11 in accordance with that propensity with respect to Sutton. *See* FRE 404(b).

12           Because the proffered evidence would be irrelevant and inadmissible, Sutton’s motion to  
13 supplement, Dkt. 59, is DENIED.

14           Dated this 30th day of July, 2018.

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18 Theresa L. Fricke  
19 United States Magistrate Judge  
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