

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

LANCE WOOD,

Plaintiff,

v.

IDAHO DEPARTMENT OF
CORRECTIONS, *et. al.*,

Defendants.

Case No. 3:04-cv-00099-BLW

ORDER

The Court has before Defendant's Motion for Reconsideration (Dkt. 436). Defendant asks the Court to reconsider its decision to deny without prejudice Defendant's motion to exclude any claims or allegations brought in Plaintiff's retaliation action and any events Plaintiff alleges to have occurred since his transfer to ISCI. The Court will reconsider its decision, but with some clarification.

The Court did not say in its pre-trial order that such evidence will be admitted at trial. The evidence will not be admitted to prove the allegations in Plaintiff's other case, and the Court does not see its relevance at this point. However, it may be relevant impeachment evidence, or it may be relevant depending upon other evidence admitted at trial. Thus, the Court is not categorically precluding it. Accordingly, the evidence will be

excluded at this point, but Plaintiff may move to admit it if he can show that it is relevant impeachment evidence or otherwise relevant through trial.

ORDER

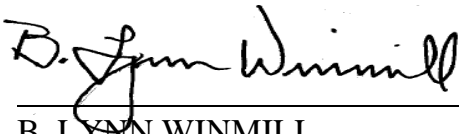
IT IS ORDERED:

1. Defendant's Motion for Reconsideration (Dkt. 436) is **GRANTED**.

Plaintiff may ask the Court to reconsider its decision during trial as explained above.



DATED: **December 13, 2012**



B. LYNN WINMILL
Chief U.S. District Court Judge