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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Earl F. Crago,  
10 Plaintiff,

11 v.

12 Wayne Mooney, et al.,  
13 Defendants.  
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No. CV-17-00513-PHX-ROS (ESW)

**ORDER**

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16 Pending before the Court is Plaintiff's "Supplemental Motion for Remainder of  
17 Documents to be Provided Pursuant to Rule 106 Fed. R. Evid." (Doc. 74). In his Motion,  
18 Plaintiff requests that the Court order Defendants to produce unredacted copies of certain  
19 Correctional Service Logs that are attached as an exhibit to Defendants' Supplemental  
20 Statement of Facts (Doc. 69-1).<sup>1</sup>

21 As explained in the Court's prior Order (Doc. 82 at 2-3), Federal Rule of Evidence  
22 106 provides that: "If a party introduces all or part of a writing or recorded statement, an  
23 adverse party may require the introduction, at that time, of any other part--or any other  
24 writing or recorded statement--that in fairness ought to be considered at the same  
25 time." The common law "rule of completeness" underlies Rule 106 and "seeks to avoid  
26 the unfairness inherent in '[t]he misleading impression created by taking matters out of  
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28 <sup>1</sup> Plaintiff's Motion refers to the Supplemental Statement of Facts as Document 65. (Doc. 74 at 1). The docket reflects that the Supplemental Statement of Facts were lodged as Document 65, but were filed as Document 69.

1 context.” *United States v. Dorrell*, 758 F.2d 427, 434 (9th Cir. 1985) (citation omitted);  
2 *see also United States v. Collicott*, 92 F.3d 973, 983 (9th Cir. 1996) (noting that the rule  
3 of completeness in Federal Rule of Evidence 106 requires admission of the whole  
4 document when a portion would lead to misunderstanding or distortion).

5 The Court does not find that Federal Rule of Evidence 106 mandates the inclusion  
6 of the unredacted logs as the Court does not find that the redacted logs attached as an  
7 exhibit to Defendants’ Supplemental Statement of Facts (Doc. 69-1) would lead to  
8 misunderstanding, distortion, or the inability to fairly adjudicate Defendants’ Motion for  
9 Summary Judgment (Doc. 47). Accordingly,

10 **IT IS ORDERED** denying Plaintiff’s “Supplemental Motion for Remainder of  
11 Documents to be Provided Pursuant to Rule 106 Fed. R. Evid.” (Doc. 74).

12 Dated this 15th day of May, 2018.

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15 Eileen S. Willett  
16 United States Magistrate Judge  
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