

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

WILBERT LEZELL JOHNSON
ADC #84494

PLAINTIFF

v.

1:15CV00081-BSM-JJV

BAKER, Sergeant, Grimes Unit; *et al.*

DEFENDANTS

ORDER

Pending before the Court is Plaintiff's Motion to Compel ("Motion") (Doc. No. 27). Therein, he argues Defendants have failed to adequately answer several of his discovery requests. (*Id.*) Defendants have responded (Doc. No. 28), and I will review each of the disputed items.

1. The Names of Any Witnesses Defendants Intend to Call at Trial

Defendants state they have not yet decided on their trial witnesses, but will provide that information to Plaintiff once a determination is made. I cannot compel Defendants to provide Plaintiff with information they do not yet have. This matter is resolved.

2. Any Incident Reports Dated December 19, 2014, through January 5, 2015

Defendants correctly note the scope of this action is limited to whether Plaintiff was afforded an opportunity to appear at a disciplinary hearing which resulted in a sentence of punitive isolation. (Doc. No. 8.) Any reports, medical files, or witness statements concerning previous incidents are irrelevant. Defendants state that any documentation relevant to the disciplinary hearing has already been made available to Plaintiff. (Doc. No. 28 at 2.)

3. Rules and Regulations Related to Administrative Directive 13-10

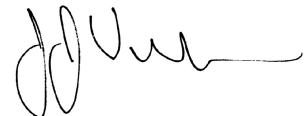
Defendants state Plaintiff has access to all Arkansas Department of Correction rules through the unit law library. (*Id.* at 3.) I take them at their word and consider this matter resolved.

4. Exculpatory Material Helpful in Preparation of Plaintiff's Defense

As Defendants correctly argue, Plaintiff is not a defendant in this action and is not required to raise any defenses. This request is denied even if he is referencing material which might prove him innocent of the charges against him at the disciplinary hearing. The only relevant question in this action is whether Plaintiff was afforded sufficient due process at that hearing.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Compel (Doc. No. 27) is DENIED.

DATED this 20th day of November, 2015.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE