

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**CHRISTOPHER R. SANDLIN  
ADC #136830**

**PLAINTIFF**

**VS.**

**CASE NO. 2:09CV00051 JMM**

**LT. MICHAEL T. HUMPHREY, ET AL.**

**DEFENDANTS**


**ORDER**

Pending before the Court is Defendants' Response to Plaintiff's Witness List in which Defendants state that they will not agree to have Danny Burl present at trial because he does not have any relevant information to provide to a jury in this lawsuit. Plaintiff has responded contending that Burl's testimony exemplifies the retaliatory culture of Arkansas Department of Corrections employees and is related to a transfer of Plaintiff to the Varner unit of the Arkansas prison system.

Plaintiff's claims are based upon an incident which allegedly occurred on October 9, 2008, and involves an allegation that defendant Michael Humphrey physically assaulted Plaintiff and that defendant Seccer Cole failed to protect Plaintiff from this assault.

After reviewing the pleadings, the Court concludes that Burl was not the warden in charge at the time of the alleged events, Burl did not participate in any investigation regarding this matter, and Burl did not respond to any grievances pertaining to this claim. The Court finds that Defendants are not required to have Burl present at trial.

IT IS SO ORDERED THIS 22 day of April, 2011.

  
James M. Moody  
United States District Judge