

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
HELENA DIVISION

BYRON L. CONWAY,  
ADC #113285

PLAINTIFF

v.

2:10CV00010SWW/JTK

CORRECTIONAL MEDICAL  
SERVICES, INC., et al.

DEFENDANTS

ORDER

This matter is before the Court on plaintiff's motion to compel (Doc. No. 40). Defendants have filed a response to the motion (Doc. No. 49).

In support of his motion, plaintiff states he submitted a request to defendants for a copy of his medical records, and they responded that although he could not receive a copy of the records, he could review them upon request. Plaintiff states although he submitted requests to review his records, he was not permitted to review them. Plaintiff asks the Court to order defendants to produce his medical records and to award him \$500.00 in expenses.

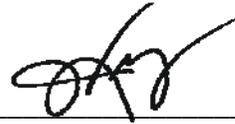
In their response, defendants initially note that plaintiff has failed to abide by Local Rules 7.2(a) and 7.2(g), in that he did not file a brief in support of his motion, and did not attempt to resolve his disagreement prior to filing the motion, by corresponding with defendants.

Defendants also state they are prevented from providing hard copies of plaintiff's medical records by the ADC Health Services Policy, but submitted a letter to plaintiff's Unit asking that plaintiff be permitted to liberally review his medical records. Defendants attach a copy of this letter as Exhibit A. In addition, defendants state plaintiff's motion is now moot, because he was permitted to review his medical records on June 8, 2010, and reviewed the records for eight minutes. See Ex. B.

In light of defendants' response, it appears that the issue has been resolved and that plaintiff's motion to compel should be denied, as moot. Accordingly,

IT IS, THEREFORE, ORDERED that plaintiff's motion to compel (Doc. No. 40) is hereby DENIED as moot.

IT IS SO ORDERED this 8<sup>th</sup> day of July, 2010.



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UNITED STATES MAGISTRATE JUDGE