

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

**DAVID WILLIAMS  
ADC #78730**

**PLAINTIFF**

**V.**

**2:10CV00039 JMM**

**KATHY STEWART, Sgt.,  
East Arkansas Regional Unit,  
ADC, et al**

**DEFENDANTS**

**ORDER**

Pending is the Plaintiff's Motion to Compel and Motion for Reconsideration. There has been no response by the Defendants.

On April 18, 2011, the Court adopted the Findings and Recommendations of United States Magistrate Judge H. David Young and dismissed Plaintiff's case with prejudice for failure to introduce sufficient evidence to create a fact issue for a jury. In his Motion for Reconsideration, Plaintiff argues that he has not submitted sufficient evidence because the Arkansas Department of Corrections has failed to turn over discovery which he requested. In support, Plaintiff attaches Defendants' Response to Plaintiff's Request for Production of Documents DE #39. In the Responses, the Defendants contend that the discovery requested by the Plaintiff does not exist. The Court cannot order a party to provide discovery documents or videotapes which do not exist. Therefore, Plaintiff's Motion for Reconsideration (docket # 126) is DENIED.

Plaintiff has also filed a Motion to Compel. The motion is identical to the motion he has filed in his other cases in this district (*Williams v. Horner*, Case No. 5:09CV00163 JMM/BD). Plaintiff states that on April 15, 2011, Property Room Supervisor Price had Plaintiff "sign out"

Case Number 5:09CV00163. When Plaintiff showed Supervisor Price the April 6, 2011 Order by Judge Deere regarding access to his legal papers, Price stated he would have to “get with Major Byers.” (Motion to Compel, at p. 3). There is no allegation by Plaintiff that he has been denied access to his documents in this case, however. On September 27, 2010, the Court entered an order granting in part Plaintiff’s motion for injunctive relief, and directing that Plaintiff be allowed to keep and have access to the pleadings and exhibits in this case (docket entry #63). The injunctive relief granted in this case relates only to access to the pleadings and exhibits in this case. There is no evidence that Plaintiff does not have such access. Accordingly, Plaintiff’s motion (docket entry #125) is DENIED.

Plaintiff’s Motion for Reconsideration (docket # 126) is DENIED. Plaintiff’s Motion to Compel (docket entry #125) is DENIED.

IT IS SO ORDERED this 4th day of May, 2011.

  
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James M. Moody  
United States District Judge