

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

MARCUS D. EVANS,  
ADC #109369

PLAINTIFF

V.

2:11CV00235 DPM/JTR

SHANTA HARDY, Officer,  
East Arkansas Regional Unit, et al.

DEFENDANTS

**ORDER**

Plaintiff, Marcus Evans, has filed a Motion asking the Court to compel Defendants to allow him to review the: (1) June 1, 2009 Cellblock 6 security video; (2) June 1, 2009 Max hallway security video; (3) June 1, 2009 Max Isolation 1 security video; and (4) transcript of his March 18, 2010 interview with internal affairs. *See* docket entry #84. Plaintiff *incorrectly* states that the Court previously ordered Defendants to allow him to review those items.

To the contrary, on August 21, 2012, the Court noted that Defendants had *agreed* to allow Plaintiff to review the : (1) June 1, 2009 Cellblock 6 security video, which was the only relevant video footage available; and (2) the March 18, 2010 audio recording of Plaintiff's interview with internal affairs. *See* docket entry #78. Accordingly, the Court denied Plaintiff's Second Motion to Compel as to those two

discovery requests. *Id.* Additionally, the Court did not impose a deadline for Defendants to make those recordings available to Plaintiff for review. *Id.*

On September 24, 2012, Defendants sent both recordings to the Deputy Warden of the Varner Super Max for Plaintiff's review. *See* docket entry #85. Defendants did so well before the expiration of the October 26, 2012 discovery deadline. *See* docket entry #69. Thus, Plaintiff's Fourth Motion to Compel is denied.

IT IS THEREFORE ORDERED THAT Plaintiff's Fourth Motion to Compel (docket entry #84) is DENIED.

Dated this 1st day of October, 2012.

  
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UNITED STATES MAGISTRATE JUDGE