

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

JAMES WESLEY DILLARD,
ADC #116862

PLAINTIFF

v.

3:11-cv-00293-JLH-JTK

T. J. UNDERWOOD, et al.

DEFENDANTS

ORDER

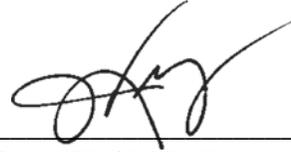
This matter is before the Court on Plaintiff's Motion to Compel (Doc. No. 32). Defendants filed a Response to the Motion (Doc. No. 33).

In his Motion, Plaintiff claims Defendants are withholding or altering evidence, and that the DVDs requested by Plaintiff and provided by the Defendants do not accurately depict the events as they occurred. In Response, Defendants state they provided answers to interrogatories and documents in response to Plaintiff's request for production, and that Plaintiff's current motion amounts to a disagreement over what the evidence shows. Defendants ask the Court to deny Plaintiff's Motion, based on the fact they have responded to all his requests.

Having reviewed the Motion, Response, and the discovery requests and responses, the Court finds that Plaintiff's Motion should be denied. Plaintiff acknowledges in his Motion that he received the DVDs he requested; his dispute is that they do not depict the incidents accurately. He does not provide any evidence that Defendants improperly altered the evidence and the Defendants deny this accusation. Plaintiff will be provided the opportunity at trial in which to rebut the evidence as shown on the DVDs. Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Compel (Doc. No. 32) is DENIED.

IT IS SO ORDERED this 1st day of May, 2012.

A handwritten signature in black ink, appearing to read 'JK', is positioned above a horizontal line.

JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE