

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

**HENRY DIAZ
ADC #653341**

PLAINTIFF

V.

NO. 3:23-cv-00207-JM-ERE

**POINSETT COUNTY
DETENTION CENTER, *et al.***

DEFENDANTS

ORDER

Defendants have filed a supplemental motion to compel asking the Court to order *pro se* plaintiff Henry Diaz to fully respond to Defendants' requests for production and produce a properly executed medical authorization. *Doc. 32*. The Court previously ordered Mr. Diaz to provide responses to Defendants' Request for Production No. 2. *Doc. 31*. This Order addresses the medical authorization.

In their supplemental motion, Defendants argue that the proposed medical authorization: (1) is relevant to Mr. Diaz's claims; (2) is intended to follow the medical providers' own forms; (3) does not restrict Mr. Diaz's authorization to specific conditions due to the difficulty that medical providers would have complying with any such request; and (4) complies "with the letter and spirit of the discovery rules" (*Doc. 32 at 3*).

Defendants' arguments are well taken. On further consideration, and in light of the practical difficulties getting providers to produce records limited to specific

conditions or to recognize non-standard forms, the Court will not direct Defendants to narrow the medical conditions that are discoverable under the authorization. And, given Mr. Diaz's contention that the alleged unconstitutional conduct aggravated the arthritis he has suffered from since he was a child, the Court will not attempt to impose a temporal scope on the authorization. Under the circumstances of this case, the Court concludes that the proposed medical authorization satisfies the requirements of Federal Rule of Civil Procedure 26(c).

IT IS THEREFORE ORDERED THAT:

1. Defendants' supplemental motion to compel (*Doc. 32*) is GRANTED, with the proviso that Defendants' counsel must not seek any medical records not reasonably calculated to lead to the discovery of medical evidence relevant to claims and defenses in this case.

2. Defendants are instructed to immediately provide new medical authorizations to Mr. Diaz.

3. Mr. Diaz has 30 days to provide Defendants signed medical authorizations. Alternatively, he may file a motion to reconsider, supported by facts and/or law, within 14 days explaining why he should not be required to sign the requested medical authorizations.

4. Defendants are instructed to promptly notify the Court whether Mr. Diaz has complied with this Court Order.

5. Mr. Diaz is cautioned that his failure to comply with this Court Order could result in the dismissal of his claims, without prejudice. See Local Rule 5.5(c).

SO ORDERED 6 June 2024.

A handwritten signature in black ink, appearing to read "Edwin M. Smith". The signature is written in a cursive style with a horizontal line underneath the name.

UNITED STATES MAGISTRATE JUDGE