

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

**KEITH DEWAYNE MATTHEWS
ADC# 143644**

PLAINTIFF

V.

NO. 4:21-cv-00418-BRW-ERE

PATRICK PIERRE

DEFENDANTS

ORDER

Pending before the Court is Plaintiff Keith Dewayne Matthews' motion to compel discovery. *Doc. 47*. In the motion, Mr. Matthews requests that the Court order Defendant Pierre to provide additional responses to his discovery requests. Defendant Pierre has responded to Mr. Matthews' motion and provides his discovery responses to the Court. *Doc. 49*. After reviewing Defendant Pierre's responses to Mr. Matthews' discovery requests, the Court concludes that, with the exception of Defendant Pierre's response to Mr. Matthews' request regarding specific video footage, Defendant Pierre's responses comply with the Federal Rules of Civil Procedure governing discovery. See FED. R. CIV. P. 33, 34, and 36.

In his discovery requests, Mr. Matthews requests that Defendant Pierre "produce all video and audio footage from 1.20.2021 of East Wing Hallway

monitoring (Cells 1-18) at approximately 3:00 am – 4:00 am.”¹ *Doc. 49-2 at 21*. Defendant Pierre objected to Mr. Matthews’ request, but stated that he would be “willing to preserve all such recordings, if any exist and the inmate may submit a request to the Warden’s office to review any related footage.” *Id. at 21-22*. If this video footage exists, Mr. Matthews is entitled to review it.²

IT IS THEREFORE ORDERED THAT:

1. Mr. Matthews’ motion to compel (*Doc. 47*) is GRANTED, in part, and DENIED, in part.
2. The Court directs Defendant Pierre to determine whether the requested video footage exists and, if so, to either: (1) arrange for Mr. Matthews to view the video footage at issue; or (2) file a notice explaining why the footage is unavailable.
3. The Clerk is instructed to provide a copy of this Order to the Warden of the Maximum Security Unit, 2501 State Farm Road, Tucker, Arkansas 72168.

Dated this 10th day of May, 2022.


UNITED STATES MAGISTRATE JUDGE

¹ In his complaint, Mr. Matthews alleges that, on January 20, 2021, Defendant Pierre served him a food tray covered in human feces. Accordingly, the requested video footage is relevant to Mr. Matthews’ claims in this lawsuit.

² Defendant Pierre should be aware of his obligation to preserve all relevant evidence, even without a discovery request. Pursuant to Federal Rule of Civil Procedure 37(e), Defendant Pierre has an affirmative obligation to “take reasonable steps” to preserve video footage and all other relevant electronically stored information that should be “preserved in the anticipation or conduct of litigation.”