

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

DON MERCELEANY R.
MAXWELL/G-DOFFEE
ADC #108778

PLAINTIFF

V.

NO: 5:09CV00295 JMM/HDY

ALLEN *et al.*

DEFENDANTS

ORDER

Plaintiff filed this complaint on September 16, 2009, alleging Sgt. David Tucker was dashed with feces by another inmate while Tucker was serving food on May 31, 2008, failed to wash or change clothes after the event, and served him a tainted food tray. Plaintiff alleges that he found feces in his food while he was eating, became ill as a result, and was denied adequate medical care thereafter. On January 7, 2011, Plaintiff filed a motion seeking to compel responses to certain discovery requests (docket entry #35). Defendants have filed a response in opposition (docket entry #36).

In his motion, Plaintiff seeks to compel responses to his interrogatories #1-#3, and requests for production #1 and #2. In interrogatories #1 and #2, Plaintiff seeks the name and Arkansas Department of Correction number of two individuals Plaintiff contends were witnesses to the events at issue in this complaint. Defendants have provided the names, but objected to providing further information for security reasons. Defendants' response is adequate. In interrogatory #3, Plaintiff seeks the disciplinary report regarding the dashing incident. However, Defendants responded that they do not have the inmate's name, and therefore cannot supply the information. Defendants have additionally agreed to provide the inmate's name to Plaintiff if they are able to determine who the

inmate is. Defendants' response is sufficient.

In request for production #1, Plaintiff seeks a copy of the disciplinary report for the inmate who allegedly dashed Tucker. As discussed above, the inmate is currently unknown. Moreover, Defendants' objection to providing institutional records pertaining to other inmates is appropriate.¹ Finally, Plaintiff seeks in request for production #2 copies of certain security logs.² Defendants properly objected based on security concerns. Accordingly, Plaintiff's motion must be denied.

IT IS THEREFORE ORDERED THAT Plaintiff's motion to compel (docket entry #35) is DENIED.

DATED this 8 day of March, 2011.



UNITED STATES MAGISTRATE JUDGE

¹If, as Plaintiff suggests in his motion, he really wants to compare Tucker's incident report with his recent statements on the incident, he may request a copy of the report.

²Plaintiff indicates in his motion that he seeks the logs to identify staff members who were on duty on the date in question. Plaintiff may seek this information through interrogatories.