

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

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

PLAINTIFF

V.

NO: 5:09CV00325 SWW/HDY

ANGELA TYLER *et al.*

DEFENDANTS

ORDER

Plaintiff Don Merceleany R. Maxwell/G-Doffee filed this complaint (docket entry #2) on October 23, 2009, alleging that he has been retaliated against due to his litigation activities against Arkansas Department of Correction personnel. On January 11, 2011, Plaintiff filed a motion to compel (docket entry #43). Defendants filed a response in opposition on January 25, 2011 (docket entry #44).

Plaintiff seeks to compel responses to interrogatories #4-#5, and requests for production #1 and #4-#5 of the discovery requests attached to his motion. In interrogatories #4 and #5, Plaintiff seeks to know the number of guards who live in Little Rock, Pine Bluff, or Jefferson County, who were employed on the 6 a.m. to 6 p.m. shift From March through May of 2009. Defendants properly objected to providing information regarding shift assignments

In requests for production #1, Plaintiff seeks copies of statements and documents which Defendants intend to use in their defense. In response, Defendants provided general information and asserted that they have not yet finalized their exhibit list. In their response to Plaintiff's motion, Defendants further represent that they will identify exhibits in accordance with the Court's scheduling orders. Defendants' response is sufficient. In request #4, Plaintiff requested copies of

medical and mental health records. Defendants' response that he can review his medical file is sufficiently responsive to the request. Plaintiff also seeks a color photograph of several other inmates in his request for production #5. Defendants' objection based on security concerns is appropriate.

Plaintiff also seeks to compel a response to request for production #2 of docket entry #39, requesting that he be provided with a transcript of a 2004 disciplinary hearing. Defendants have noted in their response that such a transcript does not exist. Accordingly, it cannot be produced, and Plaintiff's motion must be denied.

IT IS THEREFORE ORDERED THAT Plaintiff's motion to compel (docket entry #43) is DENIED.

DATED this 8 day of March, 2011.



UNITED STATES MAGISTRATE JUDGE