

**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

A. TYLER *et al.*

DEFENDANTS

ORDER

On September 2, 2011, Plaintiff Don Merceleany R. Maxwell/G-Doffee filed a motion for default judgment against all Defendants (docket entry #59), along with a brief in support (docket entry #60). Defendants filed a response in opposition to Plaintiff's motion on September 16, 2011 (docket entry #64).

According to Plaintiff, he has repeatedly requested audio tapes from February 27, 2004, and March 13, 2009, disciplinary hearings, but Defendants have refused to provide them. Defendants assert that they have attempted to locate the 2004 hearing tape, but have been unable to locate it, and further assert that it has no relevance to this matter. Defendants also have indicated in their response that they will provide the 2009 hearing tape at the evidentiary hearing scheduled for October 17, 2011, if they are so ordered.

Plaintiff's motion might be better be characterized as a motion to compel. Regardless, this case involves the March 13, 2009, hearing, and Defendants need not provide the 2004 tape. Defendants have agreed to bring the 2009 audio tape to the scheduled hearing. Accordingly, Plaintiff's motion (docket entry #59) is DENIED. Defendants are directed to bring the audio tape of the March 13, 2009, disciplinary hearing to the October 17, 2011, evidentiary hearing, or any

other hearing held in this matter.

IT IS SO ORDERED this 20 day of September, 2011.



UNITED STATES MAGISTRATE JUDGE