

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

BRUNSON ROBERTS,
ADC #127841

PLAINTIFF

v.

No. 5:10-cv-174-DPM

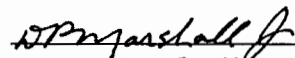
RODERICK JOHNSON and RICKY WEBB

DEFENDANTS

ORDER

For the reasons stated on the record at the end of the 6 March 2013 telephone hearing, the newly produced records, *Document No. 142, at 3-20*, will not be admitted in evidence. They may not be used for impeachment either; they are rebuttal evidence, which likewise should have been produced sooner. This last ruling, though, is without prejudice to the Defendants' revisiting the issue if they find authority beyond *Harris* and like cases. Given the inadvertent failure to produce the records earlier, and the fact that they do exist, Roberts will not be allowed to cross-examine witnesses about the lack of additional sanitation logs and rosters.

So Ordered.


D.P. Marshall Jr.
United States District Judge

7 March 2013