

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

GREGORY DAVIS,
ADC #97816

PLAINTIFF

V.

5:10CV00271 SWW/JTR

JOHN GLASSCOCK, Lieutenant,
Arkansas Department of Correction

DEFENDANT

ORDER

An Evidentiary Hearing/Trial will be held in this case on March 13, 2012. In order to prepare for that proceeding, the Court needs to review certain documents from Plaintiff's institutional record. Specifically, the Court needs: (1) all medical records regarding the treatment Plaintiff received at the University of Arkansas for Medical Sciences ("UAMS") after he was transported to that hospital on January 19, 2009; (2) all prison medical records regarding the treatment Plaintiff received, on January 19, 2009, from Dr. Ifedoria and other medical providers at the Maximum Security Unit ("MSU"); and (3) all photographs that were taken of Plaintiff on January 19, 2009.¹

¹ See Exhibit A to this Order (Sergeant Dustin Parker's 005 Incident Report referring to Plaintiff's medical examination in the MSU infirmary by Dr. Ifedoria and subsequent transportation, by ambulance, to UAMS); see also Exhibit B to this Order (Lieutenant Anthony Thrower's 005 Incident Report referring to pictures that were

Accordingly, the Court will direct the Clerk to prepare a subpoena and instruct the U.S. Marshals to serve it on Plaintiff's behalf. *See* 28 U.S.C. § 1915(d) (providing that the "officers of the courts shall issue and serve all process, and perform all duties" in cases, such as this one, where the plaintiff has been granted permission to proceed *in forma pauperis*).

IT IS THEREFORE ORDERED THAT

1. The Clerk is directed to issue a subpoena duces tecum to Mr. Danny Burl, Warden of the East Arkansas Regional Unit, 325 Lee 601, Brickeys, AR 72320-0180 for the production of the above listed documents. Warden Burl must produce those documents and deliver them **to the Court on or before March 9, 2012.**

2. The U.S. Marshal is directed to serve the subpoena duces tecum on Warden Burl.

3. The Clerk is directed to fax a copy of this Order and the subpoena duces tecum to Warden Burl at 870-295-6564.

Dated this 2nd day of March, 2012.


UNITED STATES MAGISTRATE JUDGE

taken of Plaintiff on January 19, 2009).



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number 005-109	Page Number 005-1 of 3 005-1 of 3
Board of Correction Approval Date 9-21-87	
Supervisor 005-407 Form	Class 12-10-85
Attorney General Review Date 6/1/87	Date of Rec- sion of State 10-02-87

005 Incident Report and
409 Use of Force

SUBJECT: Reporting of Incidence - 005, Use of Force - 409

maximum security
UNIT / DIVISION

REPORTING EMPLOYEE: Parker Dustin E.
LAST FIRST MIDDLE

RANK: Sgt. SHIFT ASSIGNMENT: "B"

DATE: 1-19-89 TIME: Approx 7:15a LOCATION: East Isolation Cell #1

INMATE(S) INVOLVED: Davis #097816
(Name and AXC Number)

EMPLOYEE(S) INVOLVED: CO Parker, Sgt. Turner, CO Graydon, inf. many staff
(Name, Title, Rank)

INMATE(S) PRESENT: N/A
(Name and AXC Number)

EMPLOYEE(S) PRESENT: N/A
(Name, Title, Rank)

OTHERS PRESENT/INVOLVED: (Specify) N/A
(Name & Address)

EXTENT OF INJURY TO INMATE(S): see medical report

TREATMENT AFFORDED INMATE(S): see medical report

EXTENT OF INJURY TO OFFICER(S): N/A

TREATMENT AFFORDED OFFICER(S): N/A

STATEMENT OF FACTS (If force used, state type and explain): On the above date and time I COTE PARKER and SGT. TURNER were conducting a security check and pulling mats in EAST Isolation when we entered Elton Davis #097816, he appeared to be asleep, was breathing and snoring. At breakfast myself and co inmate were feeding when we noticed he had several untouched, uneaten trays in his cell. We advised SGT. TURNER he appears to have not eaten in several days. SGT. TURNER called the infirmary and was then sent to work in population. When he returned myself and SGT. TURNER went to check on Elton Davis who had still not eaten his breakfast. Elton Davis was unresponsive. SGT. TURNER called Lt. Throner and the infirmary SGT. Clark, myself, and call Gradyen then went into the cell and placed Elton Davis in handcuffs and leg irons, nurse Moore and Nurse Miller arrived with a stretcher. We placed him on the stretcher, took him to the infirmary where he was examined by Dr. I. Podara and then taken by ambulance to HMAS.

COTE Parker
Signature of Reporting Employee

1-19-09
Date

Capt. J. B. Baker
Lt. Callum B. Brown
Signature of Supervisor
1/19/09

1-19-09
Date

Reviewed by (Signature) Warden/Center
Supervisor/Administrator

Date

RECOMMENDATION:

Reviewed by (Signature) Assistant Director

Date

RECOMMENDATION:

Reviewed by (Signature) Director

Date

DISTRIBUTION OF COPIES:

Original to Assistant Director, then to Director, and then to Inmate Institutional File.
Assistant Director
Warden/Center Supervisor/Administrator

INCRPTdb

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ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number 005-109	Page Number 005-3 of 3 009-12 of 19
Board of Correction Approval Date 9-23-87	
Supersedes 005-103 Form	Created 12/17/83
Attorney General Review Date 4/11/87	Date Filed Secy. of State 10-02-87

005 Incident Report and
109 Use of Force

MAX
UNIT/DIVISION

SUBJECT: Reporting of Incidents—Off. Use of Force—109

REPORTING EMPLOYEE: Thowke LAST Anthony FIRST B MIDDLE

RANK: A SHIFT ASSIGNMENT: B

DATE: 1/19/09 TIME: Approx 8³⁰ am LOCATION: East Isolation Cell # 3

INMATE(S) INVOLVED: DAVIS, G. # 097816
(Name and ADC Number)

EMPLOYEE(S) INVOLVED: Sgt Tuence, COTT PREEKE Sgt R. Clark and Capt A Graydon
(Name, Title, Rank)

INMATE(S) PRESENT: N/A
(Name and ADC Number)

EMPLOYEE(S) PRESENT: Infirmary Staff
(Name, Title, Rank)

OTHERS PRESENT/INVOLVED: (Specify) N/A
(Name & Address)

EXTENT OF INJURY TO INMATE(S): SEE Infirmary Report

TREATMENT AFFORDED INMATE(S): SEE Infirmary Report

EXTENT OF INJURY TO OFFICER(S): N/A

TREATMENT AFFORDED OFFICER(S): N/A

EX. B

STATEMENT OF FACTS (If force used, state type and explain):

On the above date and Approx. time I (Lt G. Thrower) was notified that inmate G. Davis #097816 was not responding and that he had several uneaten trays of food in his cell. Medical Staff was called and inmate G. Davis was seen by medical staff and inmate G. Davis #097816 was transported to UAMS by Ambulance, with Sgt R. Clark and Capt A Graydon as escorts, pictures were taken, Gate pass was made and G. Davis out.

End of Statement

H. Anthony Thrower
Signature of Reporting Employee

1/19/09
Date

Capt. J. Ballinger
Signature of Supervisor

1-20-09
Date

Reviewed by (Signature) Warden/Center Supervisor/ Administrator

Date

RECOMMENDATION:

Reviewed by (Signature) Assistant Director

Date

RECOMMENDATION:

Reviewed by (Signature) Director

Date

DISTRIBUTION OF COPIES:

Original to Assistant Director, then to Director, and then to inmate's Inmate Mail File.
Assistant Director
Warden/Center Supervisor/Administrator

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(Revised