

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

DAVID JONES  
ADC #94099

PLAINTIFF

V.

5:12CV00456 SWW/JTR

MEGAN BOND, Varner Unit Infirmary,  
Arkansas Department of Correction, et al.

DEFENDANTS

**ORDER**

Plaintiff, David Jones, is a prisoner proceeding *pro se* in this § 1983 action. Plaintiff has filed three nondispositive Motions, which the Court will address separately.

**I. Motion for an Extension of Time**

On December 12, 2013, the Court issued a Revised Scheduling Order that lifted the stay on discovery, imposed a discovery deadline of March 10, 2014, and set a dispositive motion deadline of April 9, 2014. *Doc. 96*. Soon thereafter, Plaintiff filed numerous discovery requests and a Motion seeking six months to conduct discovery. *Docs. 97 to 107, 108, & 110*.

Discovery requests and responses may not be filed in the record. Instead, Plaintiff *must mail his discovery requests and responses directly to Defendants' attorney*. See Fed. R. Civ. P. 5(d). Additionally, there does not appear to be anything

about this case that would warrant a six month discovery period rather than the customary three month period. Thus, Plaintiff should continue to promptly and diligently conduct discovery. As the March 10, 2014 discovery deadline approaches, Plaintiff may, if necessary, renew his Motion for an Extension of Time and explain: (1) what specific additional discovery he needs to conduct; and (2) why he has been unable to complete that discovery in the three month period. Accordingly, Plaintiff's Motion for an Extension of Time is denied.

## **II. Third Motion for Appointment of Counsel**

Plaintiff has filed a third Motion requesting the appointment of counsel. He, however, has not provided a sufficient reason for the Court to reconsider its rulings denying his previous requests for counsel. *Docs. 51 & 77*. Accordingly, his Third Motion for Appointment of Counsel is denied.

## **III. Motion for Order to Secure Video Evidence**

Plaintiff has filed a Motion asking the Court to order Defendants to preserve any video recordings that captured the June 17, 2011 incident at the VSM that is the subject of this lawsuit. *Doc. 109*. The Court finds good cause for granting that request. Additionally, the Court concludes that any photographs that were taken of Plaintiff's injuries should also be preserved.

Thus, Defendants must, **within fourteen days of the date of this Order**, file

**sealed** copies of: (1) any video recordings of Plaintiff's June 17, 2011 transportation from cell block 4 to the crossover stairs, fall down the crossover stairs, move to the recreation yard, transfer to the cell block 3 nurses station, and return to cell block 4; and (2) any photographs taken of Plaintiff's injuries. If any such video recordings or photographs have been lost, destroyed, or are no longer available (for any reason), Defendant must provide a detailed explanation of why that evidence is no longer available and the names of all ADC employees who had any involvement in the destruction or loss of that evidence. The Court will then promptly schedule a hearing to take testimony from the named ADC employees concerning how and why the video recordings and photographs were lost or destroyed.

#### **IV. Conclusion**

IT IS THEREFORE ORDERED THAT:

1. The Clerk is directed REFRAIN from docketing any future discovery from Plaintiff.
2. Plaintiff's Motion for an Extension of Time (Doc. #107) is DENIED.
3. Plaintiff's Third Motion for Appointment of Counsel (Doc. #95) is DENIED.
4. Plaintiff's Motion for Order to Secure Video Evidence (Doc. 109) is GRANTED, and Defendants must, **within fourteen days of the entry of this Order,**

comply with the instructions contained herein.

Dated this 15<sup>th</sup> day of January, 2014.

  
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UNITED STATES MAGISTRATE JUDGE