

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

RANDALL T. MCARTY,
ADC #101563

PLAINTIFF

v.

5:14CV00037-JLH-JTK

STATE OF ARKANSAS, et al.

DEFENDANTS

ORDER

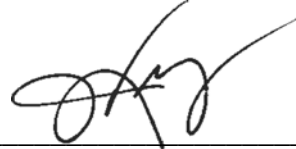
Plaintiff has responded (Doc. No. 37) to Defendants' Summary Judgment Motion (Doc. No. 58), and asks the Court to direct Defendants to provide information to the Court, in camera, to determine its relevance in addressing certain disputed issues of fact. Specifically, Plaintiff requests information about inmate Brian Winston, his attacker, which is relevant to his claim that Defendants knew the risk of danger to Plaintiff by housing Winston with Plaintiff. Although Plaintiff previously sought this information during the discovery process, the Court denied his Motion to Compel, finding the information to be protected by privacy and security concerns (Doc. No. 40). The Court noted in that Order, however, that if such information became relevant, it would order that Defendants provide it for an in camera review. (Id.)

Given the Court's prior statement about that information, Plaintiff's current request that the Court review the information prior to ruling on the Summary Judgment Motion, and in the abundance of caution, the Court hereby directs the Defendants to provide the following information for in camera review: All relevant information concerning the custody level, classification, gang affiliation, and disciplinary history of inmate Brian Winston, ADC #121648. Defendants shall also file a Response to Plaintiff's Motion to Suppress his Deposition (Doc. No. 55), together with a Reply to Plaintiff's Response to the Summary Judgment Motion, addressing his allegations concerning the

housing of inmates with different classification levels in the open barracks.

Defendants shall provide the above information to the Court within fifteen days of the date of this Order. Ruling on the Summary Judgment Motion will be held in abeyance, pending receipt of such information.

IT IS SO ORDERED this 13th day of March, 2015.

A handwritten signature in black ink, appearing to read 'JK', is positioned above a horizontal line.

JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE