

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

RICKY LEWIS HARRIS

PLAINTIFF

v.

Civil No. 10-2189

CAPTAIN CONGER; DR.
TINSMAN; and NURSE ANGIE

DEFENDANTS

ORDER

Plaintiff has submitted his list of witnesses he would like the Court to issue subpoenas or writs for. Specifically, he asks for the following witnesses: (1) Sgt. K. Taulbee; (2) Officer Farris; (3) Tim Jones; (4) Alen Sallee; (5) Bob Harris; (6) Larry Walden; (8) Gary Lee Wheeler, Jr.; (9) Marcus Mulson; and (10) Officer Treet.

Defendants asked to produce Sgt. K. Taulbee, Officer Farris, and Officer Treet without the necessity of the Court issuing subpoenas. If Defendants cannot produce one or more of these individuals, the Court should be notified by **July 13, 2012**. For each witness Defendants cannot produce, the Defendants are directed to provide the Court with a current address and phone number.

A subpoena will be issued for Tim Jones, 73 Prestwick Court, Ft. Smith, AR 72908. No subpoenas will be issued for Alen Sallee, Tulsa, Oklahoma, or the John Doe Dentist at the Grimes Unit, located in Newport, Arkansas, both are outside the subpoena power of the Court. No subpoena will be issued for Bob Harris as he is the Plaintiff's brother. Bob Harris may appear voluntarily and

give testimony on Plaintiff's behalf. Plaintiff should notify his brother of the time and place of the hearing and ask him to appear and testify.

Writs will be issued for: (1) Larry E. Walden, #149502, Arkansas Department of Correction, Cummins Unit, P.O. Box 500, Grady, AR 71644-055; (2) Gary L. Wheeler, Jr., #654601, Arkansas Department of Correction, Grimes Unit, 300 Corrections Drive, Newport, AR 72112; and (3) Marcus Mulson, #143318, Arkansas Department of Correction, Grimes Unit, 300 Corrections Drive, Newport, AR 72112.

Plaintiff also asks for the following records: (1) his medical records from the Grimes Unit of the Arkansas Department of Correction (ADC); (2) all medical records from the Sebastian County Detention Center (SCDC) from October 15, 2010, thru January 4, 2011; (3) all records relating to the dispensing of medication to inmates from October 15, 2010, thru January 4, 2011; (4) all SCDC security logs from October 15, 2010, thru January 4, 2011; (5) all SCDC jail incident reports relating to the Plaintiff from October 15, 2010, thru January 4, 2011; and (6) SCDC policies and procedures regarding the provision of medical and dental care when adequate care cannot be provided at the SCDC's physical location to include who makes the determination, where the inmate received medical care, and how the inmate is transported.

Plaintiff's motion to amend his response to the scheduling order (Doc. 33) is granted. Accordingly, **the Clerk is directed to issue a subpoena to the Medical Records Custodian:** Corizon Medical Records, Attention Lauren Clairborn, ADC Administration Building, 6314 Princeton Pike Rd., Pine Bluff, AR 71603. The subpoena should require the production of the following:

all records, whether print or electronic, regarding the care, treatment, and diagnosis of Ricky Lewis Harris, ADC #076226, from January 4, 2011, to the present.

The subpoena should be served by certified mail, return receipt requested. The records shall be produced by **July 23, 2012**, with an affidavit from the records keeper to authenticate the records. The records should be delivered to United States District Court, Western District of Arkansas, Pro Se Office, 35 E. Mountain Room 510, Fayetteville, AR 72701.

With respect to the remaining records sought by the Plaintiff, the Defendants are asked to provide these to the Plaintiff by **July 23, 2012**.

IT IS SO ORDERED this 5th day of July 2012.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
CHIEF UNITED STATES MAGISTRATE JUDGE