

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

MARCUS WAYNE FIELDS

PLAINTIFF

v.

Civil No. 11-2189

RANDALL REED, Bailiff, Sebastian
County Sheriff's Office; DR. WILLIAM
HAYES; NURSE CHERYL McMAHAN;
and NURSE ASHLEY TURNER

DEFENDANTS

ORDER

Pending before me for decision are the following motions filed by the Plaintiff: (1) motion for the policy of the Sheriff's Department (Doc. 51); (2) Motion for Defendants to Comply with the Freedom of Information Act (Doc. 54); (3) Motion for Records (Doc. 56); and (4) Motion of Noncompliance (Doc. 57). The motions will be addressed in turn.

Motion for Policy of the Sheriff's Department (Doc. 51)

In this motion, Plaintiff asks for jail policies with respect to: the transport of injured inmates; the taking of picture of the injuries of inmates; the policy with respect to Arkansas Department of Correction (ADC) inmates and federal inmates injured in the jail; and reports on Randall Reed including any grievances, reports on inmates injured in his care, reports of any reprimands, reports of abuse, the use of racial slurs, and any lawsuits filed against him.

In response, Defendants state they have provided Plaintiff with the jail policies on inmate photographs and fingerprints, medical complaints and referrals, routine medical care of inmates, emergency medical plan, and transportation of inmates for medical care. They object to Plaintiff's

request for records and reports on Randall Reed as being overly broad. The Court agrees. As grievances, medical requests, and other similar documents are held in the file of each inmate, it would pose an almost insurmountable task to ask for these to be produced.

The Defendants will produce the following with regard to Randall Reed: copies of any disciplinary actions or reprimands against him in the last five years; a list of all lawsuits filed against him by inmates or former inmates in the last five years; and certificates or other documents that show what training he has undergone including medical training. If there are policies or procedures in respect to the treatment of federal or ADC inmates, the Defendants should produce them. Defendants will not be required to supply the other documents sought by the Plaintiff. As set forth, the motion (Doc. 51) is granted in part and denied in part.

Motion to Comply with the Freedom of Information Act (FOIA)(Doc. 54)

Plaintiff asks for an order compelling the Defendants' counsel to comply with the FOIA. The request is denied. Plaintiff will need to submit his FOIA request to the custodian of the records. Furthermore, Plaintiff is seeking the same records as he requested in the first motion addressed by this order. The Court has ordered Defendants to produce certain records and will not order the production of any other records. The motion (Doc. 54) is denied.

Motion for Records (Doc. 56)

Once again, Plaintiff asks for various records from Randall Reed's personnel file. Defendants have been directed to provide certain records. The Court will not order Defendants to produce further records at this point.

Plaintiff also asks for all pictures and x-rays of the injury to his right hand and wrist and detention center policies. These requests are duplicative of the ones made in the earlier motion.

Defendants have responded indicating Plaintiff has been provided with the information in existence.

The motion (Doc. 56) is denied.

Motion of Noncompliance (Doc. 57)

In this motion, Plaintiff states he has not received a copy of his ADC medical records. The records were received by the Court in a timely manner and a copy mailed to the Plaintiff. The records were in excess of 150 pages. Plaintiff is directed to check with his unit of incarceration and see whether these records were withheld or placed in his property. The motion (Doc. 57) is denied.

IT IS SO ORDERED this 28th day of June 2012.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
CHIEF UNITED STATES MAGISTRATE JUDGE