

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

TODD H. MERCER

PLAINTIFF

v.

Civil No. 4:15-cv-04052

SHERIFF DANNY MARTIN,  
Nevada County, Arkansas;  
JAILER PATRICIA FRANKLIN;  
and CHIEF DEPUTY MILLER

DEFENDANTS

**ORDER**

Pending before me for decision are the following motions: (1) a Motion for Issuance of an Order (ECF No. 22) filed by the Plaintiff; (2) a Motion to Compel (ECF No. 23) filed by the Plaintiff; (3) a Motion to Re-Issue Order (ECF No. 24) filed by the Plaintiff; and (4) a Motion to Withdraw (ECF No. 26) filed by Nick Windle.

**Motion to Issue Order** (ECF No. 22)

Plaintiff has asked this Court to issue an order to the Bossier Parish Medium Corrections Facility directing it to allow the Plaintiff to: (1) receive and keep in his possession evidentiary DVDs provided to him by the Defendants; (2) provide him adequate means to view and examine the DVDs; and (3) allow him sufficient time to review and mark the DVDs which cover a time span of “six plus days.”

Plaintiff has not provided the Court with any information regarding the applicable facility guidelines or policies with respect to evidentiary DVD’s and the viewing of the same. Plaintiff should provide the Court with the applicable guidelines and/or an affidavit from facility staff indicating a court order is required before Plaintiff may view the DVD’s. The Motion (ECF No. 22) is **DENIED without prejudice.**

**Motion to Compel** (ECF No. 23)

Plaintiff asks the Court to issue an order compelling Dr. Jody Meek to answer questions propounded by the Plaintiff. The Motion (ECF No. 23) is **GRANTED**. Plaintiff will be allowed to serve Dr. Meek with the interrogatories. Dr. Meek is directed to respond, to the best of his ability, to the interrogatories. If he cannot provide an answer to a question, he should briefly state why he cannot. Dr. Meek should respond to the questions by **January 22, 2016**. The Clerk is directed to send this Order and Document 23 to Dr. Meek by certified mail return receipt requested. The interrogatories or questions are attached to Document 23. Dr. Meek may be served at Shreveport Behavioral Health, 1310 N. Hearne, Shreveport, LA 71107-6516.

**Motion to Re-Issue Order** (ECF No. 24)

In this Motion (ECF No. 24), Plaintiff states he was advised by Defendants' counsel that there was no video from the Nevada County Detention Center that had been preserved. Plaintiff believes that with the available technology the footage should be subject to retrieval. Plaintiff suggests that Defendants are either stalling in the production of the footage or attempting to falsely lead the Plaintiff to believe no such footage exists.

Defendants have not responded to the Motion (ECF No. 24). The Motion (ECF No. 24) is **GRANTED IN PART AND DENIED IN PART**. The Motion is **GRANTED** to the extent that the Defendants are directed to provide an affidavit, by a person with knowledge, describing the surveillance video system, whether the tapes and/or digital files are kept for any length of time, when the tapes and/or digital files are overwritten, erased, or otherwise become unavailable, and when and how video files are preserved. The affidavit should be filed by **January 22, 2016**. In all other respects, the Motion (ECF No. 24) is **DENIED**.

**Motion to Withdraw** (ECF No. 26)

In this Motion, Nick Windle indicates he is scheduled to leave his current employment effective January 4, 2016. He asks to be terminated as counsel for the Defendants and notes the Defendants will continue to be represented by C. Burt Newell. He indicates that Mr. Newell is prepared to comply with all scheduling orders.

The Motion (ECF No. 26) is **GRANTED**. The **Clerk** is directed to remove Mr. Windle's name from the list of attorneys who receive Notices of Electronic Filing in this case.

IT IS SO ORDERED this 7th day of January 2016.

/s/ Barry A. Bryant \_\_\_\_\_  
HON. BARRY A. BRYANT  
UNITED STATES MAGISTRATE JUDGE