

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL J. MASTERSON,

Plaintiff,

v.

ROSANNE CAMPBELL et al.,

Defendants.

No. 2:05-cv-00192-AK

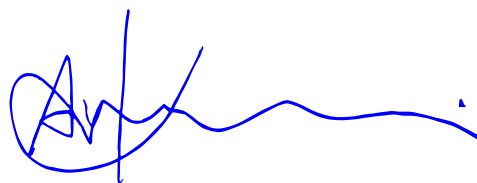
ORDER

Masterson moved to compel defendants to produce unedited video recordings made on October 20, 2005, and December 6, 2005. Masterson acknowledges that he was allowed to watch the two original videos on March 26, 2010. But he claims that one tape was missing an important segment during which prison staff allegedly admitted they were moving Masterson to administrative segregation in retaliation for filing complaints. He claims a missing segment on the second tape contained audio of a nurse informing defendants that Masterson would be transferred to an institution where he would be in danger.

A government analyst who reviewed the original videotapes has represented under penalty of perjury that they were not altered in any way. According to the analyst, any breaks are due to the camera having been turned off, the natural

degradation of the tape itself or poor recording equipment. He also represented that the audio played fluidly during the segments Masterson claims contain admissions of retaliation or other inculpatory statements. No further review by the court is necessary. Because the government produced unedited tapes, Masterson's motion to compel (docket entry 187) is denied.

February 7, 2011



ALEX KOZINSKI
Chief Circuit Judge
Sitting by designation