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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TERRY L WEISS,

Plaintiff,

v.

CITY OF SANTA ROSA POLICE  
DEPARTMENT, et al.,

Defendants.

Case No. [4:15-cv-01639-YGR](#) (KAW)

**ORDER REGARDING THE IN  
CAMERA REVIEW OF PLAINTIFF'S  
MENTAL HEALTH RECORDS**

Re: Dkt. Nos. 110, 111

On May 5, 2017, the undersigned ordered Defendants to subpoena Plaintiff Terry L. Weiss's mental health records and lodge them with the Court for the purposes of performing an in camera review. (Dkt. No. 106.) On July 12 and 14, 2017, Defendants produced records obtained from Jo Inhinger, MFT, Sylvia Shirikian, Psy.D, David Schneider, Ph.D, Steven Ranish, Ph.D, Andrea Shelley, MD, and Laura Doty, Ph.D. (*See* Dkt. Nos. 110 & 111.)

Upon review of the records, the Court notes that not all documents identified in the minute entries, and sought by the subpoena, appear to have been produced by the medical professionals, including a report from Dr. Shelley, in which she purportedly opined that Plaintiff's competency would "not likely be restored." (*See* Dkt. No. 106 at 2.) Notwithstanding, the Court finds that all documents lodged are relevant to the issue of Plaintiff's mental competency. Furthermore, none of the mental health records were for private mental health services, but, rather, were connected to her criminal case, which minimizes any privacy concerns. Moreover, Plaintiff stated that she has no objection to Defendants obtaining copies of her mental health records. (*See* Dkt. No. 105 at 21-22.)<sup>1</sup>

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<sup>1</sup> The parties are advised that the undersigned is not making any determination regarding Plaintiff's competency. Rather, this order only addresses whether the medical records obtained by

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Accordingly, the Court finds that all subpoenaed mental health records may be produced to Defendants without redaction, but are subject to the stipulated protective order currently in effect. Defendants may retrieve the original mental health records from the Oakland Clerk's Office, 1301 Clay Street, 4th Floor, between 9:00 a.m. and 4:00 p.m., within 14 days of this order. Defendants are advised that the records may be destroyed if they are not timely retrieved.

IT IS SO ORDERED.

Dated: July 31, 2017

  
KANDIS A. WESTMORE  
United States Magistrate Judge

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subpoena may be produced to Defendants, which has been done in an abundance of caution, despite Plaintiff's consent, due to Plaintiff's status as a pro se litigant and that her mental competency is at issue.