

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01175-PAB-MJW

GERALD McCOLLUM,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that the Pro Se Incarcerated Plaintiff's Motion for an Order Compelling [sic] Discovery (docket no. 66) is DENIED for the following reasons.

In this prisoner case, the Pro Se Plaintiff seeks an order from this court compelling Defendant to provide, for viewing, videos from cameras 2 through 5, inclusive, of the common area in the B-A unit of the alleged excessive force incident on August 17, 2011.

In response, Defendant submits an affidavit from Robert Roy, who is a Special Investigative Specialist assigned to U.S.P. in Florence, Colorado. See docket nos. 68 and 68-1. In a nutshell, the affidavit (docket no. 68-1) states that Mr. Roy received all of the videos (i.e. videos from cameras 1 through 5, inclusive) of the alleged excessive force incident on August 17, 2011, and he determined that such videos from cameras 2 through 5, inclusive, did not capture any part of the alleged excessive force incident on August 17, 2011, and therefore those video recordings for cameras 2 through 5 were not retained. I find that the Pro Se Plaintiff has viewed the video from camera 1. See paragraph no. 1 in the subject motion (docket no. 66). I further find that the videos from cameras 2 through 5, inclusive no longer exist. Thus, for these reasons, the subject motion (docket no. 66) is denied.

Date: April 18, 2013
