

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMBROSE L. SYKES,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 06-072-JJF
	:	
THOMAS CARROLL, et al.,	:	
	:	
Defendants.	:	

MEMORANDUM ORDER

Pending before the Court are two motions filed by Plaintiff, Ambrose L. Sykes: (1) a Motion For Leave To Depose (D.I. 56), and (2) a Motion To Compel responses to interrogatories (D.I. 61).

With respect to the Motion For Leave To Depose, on April 27, 2009, the Court ordered Plaintiff to make a showing within twenty (20) days from the date of the Memorandum Order that he could either pay for the deposition costs or that he wished to pursue the deposition of Defendants by written submission. (D.I. 59.) Plaintiff was warned that if he did not make an election within the twenty (20) day time period, his Motion would be denied. Plaintiff failed to make an election within the twenty (20) day time frame.

With respect to the Motion To Compel responses to interrogatories propounded to Defendant Thomas Carroll ("Carroll"), Plaintiff seeks responses to Interrogatories Nos. 5

and 9. Interrogatory No. 5 asked Carroll to identify all evidence in support of Defendants' contentions as to why Plaintiff was placed in the SHU. Carroll responded that: (1) he had no specific information as to any other Defendant's claim or reason, and (2) that during his tenure as warden it was his position that an individual could be considered for housing in the SHU pre-trial housing area based on the security needs of the institution and the determination that the individual presented a significant security risk if housed in the B Building pre-trial unit. Plaintiff claims that the response is unsatisfactory, and that Carroll has "attempted to argue a defense. The Court finds the response adequate.

Interrogatory No. 9 asked Carroll if Defendants have been a party to any other lawsuit other than this one; the name of each case; the court wherein each case was filed; the docket number of each case; and the disposition of each case. Carroll objected on the grounds that the interrogatory seeks documents that are irrelevant, it is not reasonably related to the subject matter of the pending lawsuit, beyond the scope of Rule 26, and is not designed to lead to the discovery of admissible evidence. The objection is sustained.

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. Plaintiff's Motion For Leave To Depose is **DENIED**. (D.I. 56.)

2. Plaintiff's Motion To Compel is **DENIED**. (D.I. 61.)

12/4/09

DATE


UNITED STATES DISTRICT JUDGE