

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION**

**LUCAS GOODWIN,**

**Plaintiff,**

**vs.**

**CASE NO. 1:07CV123-MP/AK**

**JOE N. HATTEN,**

**Defendant.**

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**ORDER**

Presently before the court is Defendant's Motion to Vacate the Court's previous order directing that the Deputy General Counsel obtain an inmate affidavit (and affidavits from DOC employees) for the Plaintiff. (Doc. 76). The Court asked for some clarification from the Defendant (doc. 78), since this was the process used in other cases in the past, and Defendant filed a response on July 20, 2009. (Doc. 82). In that response, the DOC took the position that it would not facilitate this process any longer because of the increased number of inmates and the costs associated with the process. (Doc. 82).

However, in Harvey v. Teal, Case No. 5:08cv339-RH/AK, and in Middleton v. May, 4:08cv452-RH/WCS, the DOC has agreed to use this informal process insofar as it will assist in obtaining the affidavits of inmates. See Docs. 87, 88 in 5:08cv339 and Doc. 78 in 4:08cv 452. This process should, of course, be applied uniformly throughout

the district (if not the state) and to all pending cases, where applicable, and unless circumstances dictate otherwise.

Accordingly, it is

**ORDERED:**

1. The motion to vacate the discovery order (doc. 76) is **DENIED**.
2. The Clerk of Court shall make copies of the questions Plaintiff attached to his Motion for Discovery, (doc. 74), **pertaining to Inmate Arthur Scurry only**, and mail them to the Deputy General Counsel. Within fourteen (14) days, the Deputy General Counsel shall determine the current location of the inmate listed by Plaintiff and provide the deposition questions to the appropriate litigation coordinator at the institution. The litigation coordinator shall promptly take the sworn testimony of the inmate in response to each question and shall return the responses to the Deputy General Counsel who shall then return the written deposition responses to Plaintiff. The responses shall be returned to Plaintiff within thirty (30) days from the date of Plaintiff's certificate of service to the Deputy General Counsel.
3. Plaintiff shall be granted through **October 30, 2009**, to file his response to the pending motion for summary judgment.

**DONE AND ORDERED** this **18th** day of September, 2009.

s/ A Kornblum  
**ALLAN KORNBLUM**  
**UNITED STATES MAGISTRATE JUDGE**

**No. 1:07cv123-MP/AK**