

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SHARVELT MISTER,

Plaintiff,

V.

T.J. COLLINS, et al.,

Defendants.

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Civil No. **06-978-JPG**

ORDER

PROUD, Magistrate Judge:

Before the Court is plaintiff’s motion to compel the Illinois Department of Corrections to produce plaintiff’s medical records. **(Doc. 32)**. Plaintiff contends that he has been attempting to obtain his medical records for years without success (apparently in connection with other litigation and more recently in this case).

As a preliminary matter, the Court notes that the Illinois Department of Corrections is not a defendant in this action. Furthermore, plaintiff has not submitted a subpoena or otherwise requested his medical records as part of the discovery process in this case. Therefore, there is no basis for compelling a non-party to produce documents that have not been requested in accordance with a proper discovery request. **(See Fed.R.Civ.P. 34 and 45)**.

There is also no indication that plaintiff has attempted to pay for copies of his records. In this Court’s experience, the Illinois Department of Corrections does not usually provide copies of medical records for free. The recently entered Trial Practice Schedule orders the defendants to turn over any relevant medical records *in their possession*, so plaintiff may receive some, if not all of the records he seeks. If plaintiff does not receive the medical records he seeks, he

should either submit a written request for copies of his medical records in accordance with institutional procedures, or he should arrange for a subpoena in accordance with Federal Rule of Civil Procedure 45.

IT IS THEREFORE ORDERED that plaintiff's motion to compel (**Doc. 32**) is **DENIED**.

IT IS SO ORDERED.

DATED: June 16, 2009

s/ Clifford J. Proud _____
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE