

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

RICHARD B. KELLY,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 07-339-WDS-CJP
)	
JACOB D. NULL, et al.,)	
)	
Defendants.)	

ORDER

PROUD, Magistrate Judge:

Before the court is plaintiff’s Motion to Strike. (**Doc. 12**).

Plaintiff first states that he needs certain video tapes. This motion is not the correct vehicle to attempt to obtain discovery. Plaintiff should first serve a request to produce the items on defendants. If defendants object, plaintiff may then move the court to compel defendants to produce the requested items. Defendants’ objections should be attached to any such motion to compel.

Secondly, plaintiff asks the court to strike defendants’ affirmative defenses because defendants acted in “bad faith” and “broke the law.” These are disputed issues. That fact that plaintiff disputes the basis for the affirmative defenses is not grounds to strike.

For the foregoing reasons, plaintiff’s Motion to Strike (**Doc. 12**) is **DENIED**.

IT IS SO ORDERED.

DATE: February 3, 2009.

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