

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

TONY SHOEMAKER,

Plaintiff,

v.

DR. KRIEG,

Defendant.

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Case No. 3:10-cv-1047-GPM-DGW

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court is a Motion for Discovery filed by Plaintiff Tony Shoemaker (Doc. 22). The motion is **DENIED**.

Shoemaker asks the Court to order Defendant Dr. Krieg to produce all medical records relating to Shoemaker's injury that is the basis of this lawsuit. Plaintiff Shoemaker is in a better position to obtain those records than Defendant. Plaintiff may request copies of all of his medical records from the healthcare unit at Menard Correctional Center or from his counselor. For Defendant to obtain copies of Shoemaker's medical records, Defendant would have to seek a protective order from the Court pursuant to HIPAA. Defendant has not sought a protective order, which indicates to the Court that Defendant may not be in possession of Plaintiff's medical records. If Defendant does not possess the records, Defendant cannot produce them in discovery. Plaintiff is therefore **ADVISED** to seek the records on his own through the channels provided by his institution.

Shoemaker also seeks information regarding the Motion to Appoint Counsel that he filed

on November 10, 2011. The Court denied that motion without prejudice on January 27, 2012 (Doc. 15). The Clerk is **DIRECTED** to send a copy of that order to the Plaintiff at the address listed in the Court's docketing system.

IT IS SO ORDERED.

DATED: May 22, 2012



DONALD G. WILKERSON
United States Magistrate Judge