

Defendants also seek to exclude any evidence Plaintiff may introduce as to whether a Menard Correctional Center internal affairs investigation took place following the alleged excessive force incident, or alternatively, the lack of such an investigation. Defendants argue that such evidence would be unfairly prejudicial because they had no control over whether an investigation would occur, and the lack of an investigation may suggest the possibility that Menard employees purposefully ignored Plaintiff's excessive force allegations. Defendants' motion is denied. Plaintiff may introduce evidence addressing whether an internal affairs investigation did or did not occur. Although Defendants argue that such evidence would be unfairly prejudicial, the Defendants are free to testify that they had no involvement in the decision whether to conduct an internal affairs investigation.

At the final pretrial conference, Defendants also sought to exclude Plaintiff's witness Angela Grott. Grott was a corrections counselor at Menard Correctional Center during the events at issue in this lawsuit. Defendants' objection to Plaintiff introducing Grott as a witness is overruled. Plaintiff may introduce Grott as a witness. Plaintiff shall be permitted to elicit testimony from Grott regarding any interactions she may have had with Plaintiff during the events at issue in this lawsuit, and any grievances she may have received from Plaintiff. Plaintiff may also testify as to any grievances he provided to Grott.

However, Plaintiff's specific grievances and correspondence regarding submitted grievances constitute inadmissible hearsay. Plaintiff shall therefore be prohibited from introducing the exhibits at trial.

Plaintiff's Motion to Appear in Civilian Clothes and Without Restraints (Doc. 97) is granted in part and denied in part. The Illinois Department of Corrections shall accommodate Plaintiff's request to appear at trial in civilian clothes. Plaintiff shall also be present in front of

the jury without handcuffs. However, Plaintiff may have his legs shackled during the course of the trial. The leg shackles will be obstructed from the view of the jury.

IT IS SO ORDERED.

DATED: November 21, 2017.

s/ Reona J. Daly
REONA J. DALY
UNITED STATES MAGISTRATE JUDGE