

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

DANNIE R. HAYWARD, SR. (#301013)

VERSUS

CIVIL ACTION

JAMES M. LEBLANC, ET AL

NUMBER 10-613-FJP-DLD

RULING

Before the court is the plaintiff's Motion For Leave From the Honorable Court, Requesting Re-Consideration on Plaintiff's Motion to Compel Documents, Under Fed. R.Civ.P. 26(A)(1), and 37(A)(B)(2), and 36(A)(1)(A)(B)(4)), and 64(A)(B) For Production, Compel Documents, Admissions, and to Seize All Documents by the United States Marshals Service, As is Directed by the Honorable Courts and Its Judges. Record document number 59. Plaintiff's motion shall be treated as an appeal of the magistrate judge's May 19, 2011 order.<sup>1</sup>

Plaintiff moved to compel the production of documents. A review of the record showed that the plaintiff propounded two requests for production of documents.<sup>2</sup> Plaintiff sought the production of: (1) his entire medical record, (2) copies of all

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<sup>1</sup> On May 19, 2011, the plaintiff's Motion to Compel, and to Seize All Production of Documents Requested, Under Fed.R.Civ. P. 26(A)(1) and 37(A)(B)(2), and 64(A)(B) and That the United States Marshals Service be Directed to Do So by the Honorable Court and its Judges, record document number 45, was denied. See, record document number 53.

<sup>2</sup> Record document numbers 33 and 36.

administrative remedies filed by prisoners in any Department of Corrections facility in which the plaintiff was incarcerated from October 27, 2006 to the present, and (3) copies of all of the plaintiff's disciplinary records, appeals, sentences, fines, and restitution records.

Defendants objected to the production of the plaintiff's entire medical record on grounds that the production of the plaintiff's extensive medical record would be overly burdensome. In response to the plaintiff's medical records request, the defendants produced over 100 pages of the plaintiff's medical records for the one year period preceding the filing of the civil rights complaint.

Defendants objected to the production of all of the plaintiff's administrative grievances on grounds that the request is not relevant, overly burdensome and not calculated to lead to the discovery of admissible evidence. Defendants noted that the plaintiff was provided copies of the four administrative grievance records filed in response to the court's November 12, 2010 stay order.

Defendants objected to the production of all disciplinary records, appeals, sentences, fines, and restitution records on grounds that the documents are not relevant to the allegations raised in the complaint and are not calculated to lead to the discovery of admissible evidence.

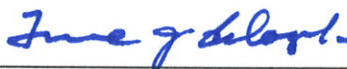
The magistrate judge found that the defendants' objections were well-founded and denied the plaintiff's motion to compel. In addition, the magistrate judge denied the plaintiff's motion insofar as it sought an order directing the United States Marshal to seize all the documents requested by the plaintiff.

In reviewing the order, the Court must determine whether the order is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A). Having reviewed the order at issue, the Court finds that it is neither erroneous nor contrary to law.

Accordingly,

IT IS ORDERED that the order of the Magistrate Judge, dated May 19, 2011, record document number 53, is hereby AFFIRMED.

Baton Rouge, Louisiana, June 8, 2011.



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FRANK J. POLOZOLA  
UNITED STATES DISTRICT JUDGE