

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

NICHOLAS A. GLADU,	)	
	)	
Plaintiff,	)	
	)	
v.	)	2:15-cv-00384-JAW
	)	
CORRECT CARE SOLUTIONS, et al.,)	)	
	)	
Defendants.	)	

**ORDER ON OBJECTION TO MAGISTRATE JUDGE'S  
ORDER ON MEDICAL RECORDS**

On September 23, 2015, Nicholas A. Gladu filed a complaint with this Court against Correct Care Solutions and a number of individual defendants, alleging that while confined in the Maine State Prison and Maine Correctional Center, he did not receive proper medical treatment for bilateral hip pain and that the Defendants had retaliated against him for his filing grievances within the prison system. *Verified Compl. for Damages and Inj. Relief* (ECF No. 1). On August 10, 2016, Mr. Gladu moved to compel the production of his “complete healthcare file”, which he estimated consisted of 600 [front and back] printed pages”. *Pl.’s Mot. to Compel* (ECF No. 164). On November 7, 2016, the Magistrate Judge denied the motion because there was no evidence that Mr. Gladu had engaged in an attempt to resolve the discovery dispute and it appeared that he had access to the records through the Maine Department of Corrections. *Order* (ECF No. 219). The Magistrate Judge suggested that Mr. Gladu

could contact defense counsel to see if a resolution of the discovery issue could be arrived at. *Id.*

On November 21, 2016, Mr. Gladu objected to the Magistrate Judge's order. *Pl.'s Objection to the Proposed Recommendation of the Magistrate on Pl.'s Mot. to Compel* (ECF No. 230). In his objection, Mr. Gladu wrote that the defense counsel "has not been willing to resolve this outstanding issue." *Id.* Accordingly, the Magistrate Judge held a telephone conference on January 12, 2017. *Minute Entry* (ECF No. 280). On January 27, 2017, the Magistrate Judge issued a written decision, concluding that he was satisfied that Mr. Gladu is able to access his relevant medical records in accordance with the policy of the Maine Department of Corrections. *Order on Req. for Medical Records* (ECF No. 284) (*Magistrate Judge Order*).

On February 2, 2017, Mr. Gladu objected to the Magistrate Judge's order. *Objection* (ECF No. 300). He claims that he has not yet had reasonable access to his medical record and that the Correct Care Solutions and its employees have hindered his access to those records in order to prevent him from furthering his claims. *Id.* at 1. The Defendants did not respond to Mr. Gladu's objection.

The standard for this Court's review of a non-disposition order from a magistrate judge is whether the order is "clearly erroneous or contrary to law." FED. R. CIV. P. 72(a); 28 U.S.C. § 636(b)(1)(A). Here, the Magistrate Judge concluded that the Maine Department of Corrections' policies were adequate to provide Mr. Gladu with access to his medical records, that to copy all of Mr. Gladu's medical records would be unduly burdensome, that Mr. Gladu's request for his entire medical file was

overbroad, and that the Department of Corrections has presented legitimate safety concerns about releasing volumes of paper copies into an inmate's cell. *Magistrate Judge Order* at 2. Based on this record, the Court cannot conclude that the Magistrate Judge's findings were clearly erroneous or that his legal conclusions were contrary to law, and therefore the Court overrules Mr. Gladu's objections and affirms the Magistrate Judge's Order.

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
UNITED STATES DISTRICT JUDGE

Dated this 17th day of February, 2017