

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EARL COLLINS,

Plaintiff,

v.

Case No. 06-12382

GARY DIAZ,

HONORABLE AVERN COHN

Defendant.

ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL DISCOVERY (Doc. No. 78)

I.

This is a civil rights case under 42 U.S.C. § 1983. Plaintiff Earl Collins (Collins), proceeding pro se, claims that Defendant Gary Diaz (Diaz) violated his constitutional rights by using excessive force while in police custody following his arrest.

The complaint is in six counts: (I) Gross Negligence; (II) Intentional Battery; (III) Negligence; (IV) Intentional Infliction of Emotional Distress; (V) Negligent Infliction of Emotional Distress; (VI) Assault; and (VII) Violation of Michigan Constitution. Trial is scheduled for November 29, 2010.

Before the Court is plaintiff's motion to compel discovery. For the reasons that follow, the motion is GRANTED.

II.

In the motion to compel, plaintiff has requested that defendant produce the following: (1) the station log; (2) video recordings of the station house activities,

including recordings inside the investigation room and the hallway outside the investigation room; (3) all photos taken of plaintiff while detained; (4) all relevant log books and/or documentation pertaining to plaintiff's trip to Detroit Receiving Hospital from custody; (5) medical records from Detroit Receiving Hospital; (6) a list of all medication prescribed and administered to plaintiff; and (7) an inventory of plaintiff's personal effects on the date of his arrest.

III.

This evidence is relevant and should be produced. See Fed. R. Civ. P. 26. Accordingly, defendant shall produce the items requested to plaintiff within 30 days. The Court shall be copied on the transmittal.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: September 22, 2010

I hereby certify that a copy of the foregoing document was mailed to Earl Collins (475522) St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis, MI 48880, and the attorneys of record on this date, September 22, 2010, by electronic and ordinary mail.

S/Michael Williams
Relief Case Manager, (313) 234-5160