

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION


JAMES SMALLEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:10CV319 RWS
)	
MICHAEL GAMACHE, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s motion to compel. Plaintiff complains that defendants did not provide him with a videotape of the alleged event at issue in this case or information relating to the policies and procedures of the St. Louis City Justice Center. I previously required defendants to file their responses to plaintiff’s discovery in the event the Court had to make a ruling on their sufficiency. I have reviewed defendants’ discovery responses, and plaintiff’s motion to compel must be denied. As defendants explain in their discovery responses, they have no video recordings, tapes, photographs, or audio recordings of the alleged event, no does the sheriff’s department have any policies relating to video recordings. Plaintiff may not like or believe this answer, but the Court cannot compel a party to provide what does not exist. Plaintiff continues to try to obtain information about the City of St. Louis Department of Corrections and the St. Louis City Justice Center from these defendants even though, as explained by defendants “the City Justice Center is operated by the City of St. Louis Division of Corrections, a separate and distinct entity from the Sheriff’s Department of the City of St. Louis.” The Court cannot require defendants to provide the information plaintiff seeks.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to compel [#87] is denied.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 13th day of August, 2012.