Baker et al v. Steele et al Doc. 40

## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

	)
BARRY BAKER,	)
Plaintiff,	)
v.	) No. 4:14-CV-333-JAF
TROY STEELE, et al.,	)
Defendants.	)

## MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion to Compel (Doc. 34). Defendants have responded (Doc. 39). For the following reasons, Plaintiff's motion is **DENIED.** 

Plaintiff seeks to compel the production of his medical and mental health records as well as various Department of Correction policies, video camera footage, and his individual confinement records during his time in administrative segregation. Defendants respond indicating that although the medical records are not in their possession and therefore not compellable, they "are in the process of procuring and copying plaintiff's medical records, which they will provide to plaintiff free of charge" (Doc. 39 at 4). The Court therefore directs Defendants to provide them to Plaintiff as indicated. In all other respects, the Defendants have presented sufficient reasons why the materials Plaintiff seeks would threaten the security of the prison and are therefore not discoverable.

Plaintiff has also filed a Motion to Amend/Correct the Case Management Order (Doc. 37). Plaintiff requests the Court extend the deadline for all discovery sixty days from January 1, 2015 to March 1, 2015. In support of his motion Plaintiff directs the Court to the pending

Motion to Compel and indicates that he has not received responses to interrogatories and admissions, had not yet been able to obtain his medical records and has not received the DOC policies he requested. As indicated above, the Court will direct Defendants to provide Plaintiff with his medical records as indicated in their brief in opposition. Therefore, an extension of the discovery deadline is warranted. The Court further notes that there is a pending Motion for Summary Judgment (Doc. 29) which is fully briefed and will be taken up for consideration.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Compel (Doc. 34) is **DENIED**. Defendants shall provide Plaintiff with his medical records as indicated in their brief in opposition.

IT IS FURTHER ORDERD the Plaintiff's Motion to Amend/Correct the Case Management Order (Doc. 37) is GRANTED. All discovery in this case must be completed by March 1, 2015.

Dated this 8th day of January, 2015.

JOHN A. ROSS

UNITED STATES DISTRICT JUDGE