

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

DARRYL COLBERT,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-6051-CV-SJ-FJG
)	
KATHLEEN BAKER, et al.,)	
)	
Defendants.)	
)	

ORDER

Before the Court are Defendants' Joint Objections to Plaintiff's Proposed Voir Dire Questions (Doc. No. 213), objecting to questions 12 and 25.

I. BACKGROUND

On April 15, 2002, plaintiff was attacked by Bobby Williams, a fellow prisoner, and suffered serious injuries as a result. Plaintiff alleges that defendants Baker, Carter and Almond told Williams approximately three hours before the attack that plaintiff had reported to prison officials that Williams and other prisoners planned to rape defendant Almond. Plaintiff alleges that defendants Baker, Carter and Almond failed to protect him from attack, and conspired to fail to protect plaintiff.

II. PLAINTIFF'S PROPOSED VOIR DIRE QUESTIONS (Doc. No. 210)

12. This case involves a claim by plaintiff Darryl Colbert that the Defendants— who were employed as correctional officers— violated his legal rights by provoking
- a) Do you believe a person should lose his rights to bring legal action against prison officials when he or she is sent to a correctional facility?
 - b) Do you believe that inmates are afforded too many privileges?

- c) Do you believe that persons who are serving prison time forfeit their right to fair treatment?
- d) For any reason would you be uncomfortable in deciding claims brought by an inmate against a prison official?

Objection. Defendants object to the word “provoking” because such language is argumentative and furthermore, this statement is incomplete.

Ruling: for Defendant.

25. Is there anything about a case involving a prisoner that would bother you or prevent you from returning a substantial verdict in favor of the Plaintiff if under the law and the evidence the Plaintiff proves he is entitled to such a verdict?

Objection. Defendants object to the question and specifically to the word “substantial” because such language is prejudicial. Defendants would not object to question 25 if the word “substantial” was stricken.

Ruling: for Defendant.

IT IS SO ORDERED.

Date: 05/19/11
Kansas City, Missouri

S/FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge