

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

M.M. FARRAKHAN,

Plaintiff,

v.

No. 9:03-CV-928
(NAM/DRH)

J. BURGE, Superintendent, et al.,

Defendants.

ORDER

By letter dated November 14, 2006, plaintiff requested a conference concerning objections stated by the New York State Department of Correctional Services (DOCS) to plaintiff's subpoena for records regarding the inmates who plaintiff alleges assaulted him giving rise to the action in this case. A telephone conference was held with counsel for all parties on November 20, 2006. As directed during that conference, it is hereby


ORDERED that counsel for defendants shall obtain the DOCS records for inmates Striplan, Miles, Weeks, Rose, and James, including but not limited to their disciplinary histories, computer printouts of institutional histories, and counselors' files; and

IT IS FURTHER ORDERED that counsel for defendants shall review those records to determine what, if any, documents or information defendants agree are relevant to the issues of (1) the membership of such inmates in a prison gang known as the "Bloods" prior to and at the time of the incident at issue in this case, and (2) whether prison authorities had knowledge that any such inmate was a member of the "Bloods" prior to or at the time of the incident in question; and

IT IS FURTHER ORDERED that the question of which, if any, documents from these files must be produced to plaintiff and under what protections will be further considered at the final pretrial conference previously scheduled for November 30, 2006.

IT IS SO ORDERED.

Dated: November 22, 2006
Albany, New York



United States Magistrate Judge