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Michael Perkins #95A0851  
Upstate Correctional Facility  
309 Banc Hill Road; P.O. Box 2001  
Malone, New York 12953-2001

**RECEIVED**  
JAN 13 2010  
Jonathan W. Feldman  
U.S. Magistrate Judge  
Western District of New York

**RECEIVED**

JAN 15 2010

Hon. Jonathan W. Feldman  
United States Magistrate Judge  
United States District Court  
Western District of New York  
2120 United States Courthouse  
100 State Street; P.O. Box 1387  
Rochester, New York 14614-1387

**CHARLES J. SIRAGUSA**  
United States District Judge  
Western District of New York

January 8, 2010

Re: Perkins v. Napoli, et al.  
Western District of New York  
08-cv-6248 (C.J.S.) (J.W.F.)

Dear Judge Feldman:

I, Michael Perkins #95A0851, am the Plaintiff within the above-cited pending civil-litigations; and at this time the Plaintiff write to the Court seeking protection.

Your Honor, as you can see from the enclosed documents pursuant to the Plaintiff's discovery requests, the Plaintiff seeks permission to view cell C-1-17 and to photograph the same; under the same conditions it was in on the 5<sup>th</sup> day of July, 2008 (of which the Plaintiff has a right to enter property such as a prison cell, exercise yard or cafeteria, to examine, measure and photograph it), which the Plaintiff will use

as evidence to conduct a proper prosecution of the above-cited pending civil-litigations.

Therefore, the Plaintiff now write to ask that the Court provide the Plaintiff with several Federal United States Marshals to escort the Plaintiff onto, into the Southport Correctional Facility to conduct the inspection and photographing as requested within the Plaintiff's discovery requests, and then out of the Southport Correctional Facility as soon as the inspection and photographings are complete; so as the Plaintiff is not assaulted again by the Southport Correctional Facility Security Staff.

The Plaintiff also request that each named Defendant of both pending civil-litigations (08-cv-6248 and 09-cv-6302) be made to stay 500 feet away from the Plaintiff at all times.

Sign:

  
Michael Perkins #95A0851

Plaintiff / Pro-se

Upstate Correctional Facility

309 Banc Hill Road; P.O. Box 2001

Malone, New York 12953-2001

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

MICHAEL PERKINS, #95A0851,  
Plaintiff,

v.

1. DAVID F. NAPOLI ; 2. JOHN C. COLVIN ;  
3. JEROME T. SHOPE ; 4. MARC D. MCGRAIN ;  
5. DARRYL K. FORREST ; 6. ROBERT K. DILDINE ;  
7. J. MILLER ; 8. SCOTT G. COMFORT ;  
9. DEBRA M. ALLEN ; 10. CARMEN MILLER,  
Defendants.

PLAINTIFF'S THIRD REQUEST FOR  
PRODUCTION OF DOCUMENTS  
PURSUANT TO FEDERAL RULES OF  
CIVIL PROCEDURE 34

08-cv-6248 (C.J.S.) (J.W.F.)

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, the Plaintiff requests that Defendant David F. Napoli produce for inspection (viewing) and photographing by the Plaintiff the following:

1) Cell C-1-17 of C-Block of the Southport Correctional Facility,  
2) Cell C-1-17 of C-Block with the plexi-glass on the cells entry gate as it was when the Plaintiff was moved within cell C-1-17 on the 5<sup>th</sup> day of July, 2008.

3) C-Block/One Gallery through the feed-up hatch of cell C-1-17 while the entry gate is closed with the plexi-glass on the entry gate as it was when the Plaintiff is alleged to bent down and spit blood and saliva into the face of C.O. Comfort.

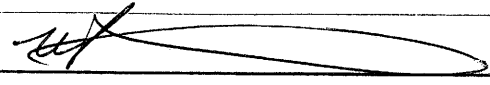
4) C-Block/One Gallery from the cell C-1-17 while the cell entry gate is approximately 3/4 of the way closed, with the plexi-glass on the cell (C-1-17) as it was when the Plaintiff was moved into the cell (C-1-17) on the 5<sup>th</sup> day of July, 2008.

5) Produce to the Plaintiff documents which states the exact height the feed-up hatch of Cell C-1-17 is from the floor,

6) Produce to the Plaintiff documents which states the exact height of the spit and blood patterns were from the floor, of which spit and blood patterns were photographed by defendant Darryl K. Forrest on the 5<sup>th</sup> day of July, 2008,

7) Produce to the Plaintiff the names; identification numbers; and cell locations of each inmate whom was confined on C-one gallery on the 5<sup>th</sup> day of July, 2008 thru the 7<sup>th</sup> day of July, 2008, whom the Plaintiff do intend to call as witnesses to the fact that the Plaintiff was truly assaulted within cell C-1-17 on the 5<sup>th</sup> day of July, 2008; and that the Plaintiff was denied his food while confined within cell C-1-17 from the 5<sup>th</sup> day of July, 2008 thru the 7<sup>th</sup> day of July, 2008, as well as denied any form of medical attention by Debra M. Allen and then Carmen Miller.

Dated: January 8, 2010

Sign: 

Michael Perkins # 95A0851

Plaintiff / Pro-se

Upstate Correctional Facility

309 Bare Hill Road; P.O. Box 2001

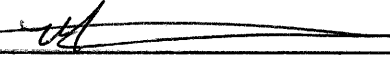
Malone, New York 12953-2001

CERTIFICATE OF SERVICE

I, Michael Perkins #95A0851, certify that on the 8<sup>th</sup> day of January, 2010, I submitted to be mailed: Plaintiff's Third Request For Production of Documents; and a Letter asking the Court for Protection of Federal United States Marshals, to be mailed to the Court Clerk's Office of the U.S. District Court; Western District of New York, and

I, Michael Perkins #95A0851, certify that I mailed the above documents by United States Postal Service of New York State to the following party:

J. Richard Benitez, Assistant Attorney General, N.Y.S. Office of the Attorney General at the Rochester Regional Office 144 Exchange Boulevard, Suite 200, Rochester, New York 14614-2176.

Sign: 

Michael Perkins #95A0851

Plaintiff / Pro-se

Upstate Correctional Facility

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