

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF NORTH CAROLINA
 CHARLOTTE DIVISION
 3:11CV153

JOHN D. MATTHEWS,)
)
 Plaintiff,)
)
 v.)
)
 STEPHEN IYEVBELE, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER comes before the Court on “Defendant Riley’s Brief Regarding Discovery of Confidential Document” and Defendant’s In-Camera Submission. (Doc. No. 43 and 44).

Defendant Riley objected to Plaintiff’s Document Request No. 10 on the basis that the document requested was a confidential report from Charlotte-Mecklenburg Police Department. By Order dated September 28, 2011, the undersigned directed Defendant to provide the document to the Court, under seal, for an in-camera inspection. (Doc. No. 42). Defendant Riley has provided the document to the Court (Doc. No. 44) and also provided a brief explaining that counsel originally objected to Plaintiff’s discovery request because of a notation on the face of the document which indicated “This is very confidential information” and “*Confidential* Do Not Disseminate.” (Doc. No. 43). Defendant contends that he “did not want to violate these instructions without a Court Order” and acknowledges that this Court has discretion as to whether this document should be provided to the Plaintiff. (Doc. No. 43).

The document at issue purports to be a narrative style report dated August 17, 2010 authored by Detective Iyevbele. The report provides a summary explaining why Detective

Iyevbele went to the jail on August 12 and 13, 2010 to collect Plaintiff's DNA and what occurred when he did so, including statements Plaintiff allegedly made to Detective Iyevbele regarding the possibility of cooperating in order to "work off his charges." The Court has reviewed the document submitted to the Court and compared it to a document that Plaintiff attached to his Complaint at pages 16 and 17. The Court finds that the two reports are identical except for the notation at the top of the report submitted to the Court indicating that the report is confidential. Therefore, Plaintiff's Motion for an Order Compelling Discovery (Doc. No. 35) is DENIED. Defendant shall not be required to produce the report to the Plaintiff because the Plaintiff already has a copy of the document at issue. (Doc. No. 1 at 16-17).

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion for an Order Compelling Discovery (Doc. No. 35) with respect to document request number 10 is DENIED.

Signed: October 7, 2011



Robert J. Conrad, Jr.
Chief United States District Judge

