

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

TIMOTHY L. COLEMAN,

Petitioner,

-vs-

MARGARET BRADSHAW, Warden,

Respondent.

:

Case No. 3:03-cv-299

:

District Judge Edmund A. Sargus, Jr.
Magistrate Judge Michael R. Merz

:

ORDER TO PRODUCE DOCUMENTS FOR *IN CAMERA* INSPECTION

During a telephone status conference on November 6, 2009, the Court learned that it was the expectation of the parties that the Court was to conduct an *in camera* inspection of the BCI Case Conversation Notes in conjunction with the Privilege Log filed by BCI (Doc. No. 128). An inspection of the case file as transferred to the undersigned (see Staff note for 10/23/2009) revealed no such documents. Upon inquiry, BCI counsel Maura Jaite indicated that BCI was still awaiting an order for *in camera* inspection. Senior Death Penalty Law Clerk Kim Hoffman confirmed that, to the best of her recollection, no such documents had been produced to either Judge Sargus or Judge Abel.

Accordingly, it is hereby ORDERED that BCI produce those documents to the undersigned for *in camera* inspection not later than November 16, 2009. Not later than the same date, Petitioner may file any responses he has to the claims of privilege made in the Privilege Log. The Warden and BCI may respond to any position on the claims of privilege taken by Petitioner not later than ten

days after Petitioner files his response to the Privilege Log.

November 6, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge