

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ARTHUR JOHNSON,	:	CIVIL ACTION NO. 1:16-CV-863
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
JOHN WETZEL, Secretary of the Pennsylvania Department of Corrections, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 5th day of August, 2016, upon consideration of the motion (Doc. 39) by plaintiff Arthur Johnson (“Johnson”) to compel discovery, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Johnson’s motion (Doc. 39) to compel is GRANTED to the extent the court declines to apply the deliberate process privilege to any of the following documents:
 - a. Four (4) DC-46 vote sheets, dated September 21, 2012, October 16, 2013, August 28, 2014, and August 20, 2015;
 - b. Three RRL annual review sheets;
 - c. The memorandum from Senior Policy Analyst Madeline McPherson to John Wetzel, Secretary of the Department of Corrections (“Department”) dated October 23, 2015;
 - d. The “RRL Checklist”;
 - e. Four annual RRL psychological evaluations dated January 13, 2012, August 19, 2013, November 20, 2014, and October 6, 2015; and
 - f. The memorandum from Superintendent Michael Barone to Secretary Wetzel dated August 4, 2009.

2. Johnson's motion (Doc. 39) is further GRANTED to the extent the court concludes that the custodial status of similarly-situated inmates is relevant to Johnson's instant constitutional claims.
3. Johnson's motion (Doc. 39) is DEFERRED to the extent it requests production of an email between Jaime Boyd, assistant counsel for the Department, and Theron Perez, the Department's chief counsel, pending an *in camera* review of the email by the court to determine whether the attorney work product privilege applies thereto.
4. Johnson's motion (Doc. 39) is further DEFERRED to the extent it requests production of the documents identified in paragraphs 1, 2, and 3, pending an *in camera* review of the documents by the court to determine whether production thereof poses a risk to institutional security or individual safety and whether a confidentiality agreement or protective order must attend any production of said documents.
5. Counsel for defendants shall produce the documents identified in paragraphs 1, 2, and 3 above, as well as the "Integrated Case Summary- Classification" and "Inmate Query - Separations," for *in camera* review by the court no later than **12:00 p.m. on Tuesday, August 9, 2016**. Counsel shall produce these documents together with a statement by Secretary Wetzel identifying with particularity the nature and source of the threat posed by disclosure of each of the documents enumerated in paragraphs 1 and 2, as well as a proposed protective order or confidentiality agreement to govern any production or disclosure of said documents.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania