

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

CALVIN ROUSE,	:	Civil No. 3:13-cv-1808
	:	
Plaintiff	:	(Judge Mariani)
	:	
v.	:	
	:	
PENNSYLVANIA DEPARTMENT OF CORRECTIONS, <i>et al.</i> ,	:	
	:	
Defendants	:	

MEMORANDUM

Presently before the Court in this civil rights action is a motion to compel discovery filed by Plaintiff Calvin Rouse (“Rouse”), a former inmate housed at the Retreat State Correctional Institution, in Hunlock Creek, Pennsylvania, (“SCI-Retreat”).¹ (Doc. 59). For the reasons set forth below, the Court will deny the motion.

I. Standard of Review

A party who has received evasive or incomplete discovery responses may seek a court order compelling disclosure or discovery of the materials sought. See FED. R. CIV. P. 37(a). The moving party must demonstrate the relevance of the information sought to a particular claim or defense. The burden then shifts to the opposing party, who must demonstrate in specific terms why a discovery request does not fall within the broad scope

¹ In an effort to ascertain the custodial status of Rouse, the Court accessed the Vinelink online inmate locator, which revealed that he is no longer in custody. See <https://vinelink.com/#!/search>. See also (Doc. 83).

of discovery or is otherwise privileged or improper. *Goodman v. Wagner*, 553 F. Supp. 255, 258 (E.D. Pa. 1982).

Generally, courts afford considerable latitude in discovery in order to ensure that litigation proceeds with “the fullest possible knowledge of the issues and facts before trial.” *Hickman v. Taylor*, 349 U.S. 495, 501 (1947). The procedural rule defining the scope and limits of discovery provides that “[p]arties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable.” FED. R. CIV. P. 26(b)(1). “[A]ll relevant material is discoverable unless an applicable evidentiary privilege is asserted. The presumption that such matter is discoverable, however, is defeasible.” *Pearson v. Miller*, 211 F.2d 57, 65 (3d Cir. 2000). Furthermore, the court may limit discovery where: “(i) the discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive; (ii) the party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or (iii) the proposed discovery is outside the scope permitted by Rule 26(b)(1).”

FED. R. CIV. P. 26(b)(2)(c).

II. Discussion

In the instant motion to compel discovery, Rouse requests the following: (1) the property room log book entry from January 3, 2013; (2) a log of inmates who complained about their property not being shipped with them on January 10, 2013; and, (3) a log of inmate grievances against Defendants with regard to missing property. (Doc. 59). The Court will address each request *seriatim*.

Request Number 1

Rouse requests the property room log book entry from January 3, 2013 to show that Defendants were not properly following procedure in shipping inmates' property. In response to this request, Defendants note that Rouse was transferred from SCI-Retreat to SCI-Graterford on January 10, 2013. Thus, they assert that the property room log book entry for January 3, 2013 is irrelevant to the instant action.

A review of the exhibits attached to Defendants' brief in opposition to the motion to compel demonstrates that they have provided Rouse with the relevant log book entry for the date of his transfer. (Doc. 62-1, p. 15). The Court finds that Defendants have produced the relevant property room log book entry including the date of Rouse's transfer (i.e, January 10, 2013), and the request for the property room log book entry for January 3, 2013 is irrelevant to Rouse's claims. Consequently, this request will be denied.

Request Number 2

Rouse next requests the log of inmates who complained about their property not being shipped with them on January 10, 2013. (Doc. 59). Defendants maintain that no such log exists and they do not have log dedicated to listing names of inmates who complain about the shipment of their property. (Doc. 62, pp. 3-4). The Court accepts Defendants' representation that no such document exists.

Additionally, Rouse requests specific information regarding fellow inmate Shakir. (Doc. 59, p. 2). Rouse states that inmate Shakir was transferred from SCI-Retreat at the same time as Rouse. (*Id.*). He requests the log book indicating that Shakir's property was shipped, and the date Shakir signed for the return of his property. (*Id.*). The Court notes that liability under § 1983 is personal in nature, *see Sutton v. Rasheed*, 323 F.3d 236, 249 (3d Cir. 2003), and the only documents relevant to the claims asserted in this action are those documents related to complaints made by Rouse against the Defendants. Rouse has not indicated how the records are relevant to his claims as inmate Shakir is not a party to this action. Moreover, inmates are prohibited from possessing documents that pertain to fellow inmates. *See* (Doc. 62-1, p. 11). The Department of Corrections is prohibited by DC-ADM 003² from releasing inmate information to other inmates. *See Sloan v. Murray*, 2013 WL 5551162 (M.D. Pa. 2013) (denying plaintiff's motion to compel grievance

² DC-ADM 003 IV.A.5, Release of Information, provides that "[a]n inmate is prohibited from receiving inmate information pertaining to another inmate other than him/herself."

responses related to other inmates, and noting that DOC Policy DC-ADM 003 prohibits an inmate from receiving information about another inmate). In addition, beyond the obvious privacy concerns surrounding releasing information about other inmates, the release of complaints or grievances filed by other inmates may subject those inmates to harassment or retaliation. Rouse has failed to sustain his burden of proving the relevance of this requested information and he is prohibited by DC-ADM 003 from obtaining a complaint or grievance related to another inmate. Therefore, the Court will deny this request.

Request Number 3

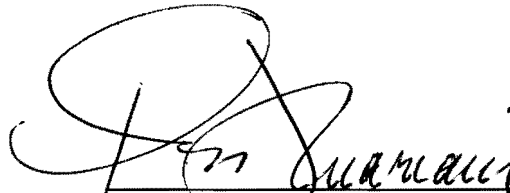
Lastly, Rouse requests a log of inmate complaints against Defendants with regard to missing property. (Doc. 59). Defendants assert that the Department does not maintain a record of complaints and grievances sorted by employee name. (Doc. 62, pp. 4-5). Therefore, they argue that this request is overly broad and would cause undue burden and expense to identify and produce any such grievances because it would require individually reviewing grievances submitted by all inmates. (*Id.*).

The Court finds that this request is overly broad and would cause undue burden and expense. Notably, Rouse fails to provide a date range for the requested documents. Additionally, as stated above, Rouse is not entitled complaints or grievances of fellow inmates. Therefore, the Court will deny Rouse's general request for all complaints, filed by any and all inmates, against Defendants regarding missing property.

III. Conclusion

Based on the foregoing, Rouse's motion (Doc. 59) to compel will be denied. A separate Order shall issue.

Date: July 24, 2017



Robert D. Mariani
United States District Judge