

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Corey Jawan Robinson,)	C/A No.: 5:16-cv-01635-JMC-KDW
)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Officer/Sergeant Mr Gilliard,)	
)	
Defendant.)	
_____)	

This matter comes before the court on Plaintiff’s two discovery motions. ECF Nos. 21, 22. The court will rule on each motion in turn.

1. Motion to Compel, ECF No. 21

On October 17, 2016, Plaintiff filed a Motion to Compel Interrogatories, asserting that Defendant did not answer three interrogatories served on him. ECF No. 21. On November 3, 2016, Defendant filed a Response to Plaintiff’s Motion. ECF No. 23. There, Defendant represents he has answered Interrogatory Number 1, and is “gathering information responsive to [Plaintiff’s] Interrogatory, and will provide Plaintiff a copy of the same to the extent any records are received.” *See id.* Defendant indicates that he objected to Plaintiff’s Interrogatories 2 and 3 to the extent they assume a disputed fact. *See id.* at 1-2. In Plaintiff’s Reply, he again seeks answers to Interrogatories 1, 2, and 3, but Plaintiff does not argue against Defendant’s specific objections. *See* ECF No. 26.

The court has reviewed Plaintiff’s interrogatories and Defendant’s answers and finds that Plaintiff’s interrogatories assert several disputed facts. Therefore, the undersigned sustains Defendant’s objections based on the language Plaintiff used in drafting them. The court also finds that Defendant’s answer to Interrogatory 1 is forthcoming. Therefore, Plaintiff’s Motion to

Compel, **ECF No. 21, is denied without prejudice** with leave to refile should Defendant fail to answer Interrogatory 1 in due time.

2. Motion to Compel, ECF No. 22

On October 17, 2016, Plaintiff also filed a Motion to Compel Production of six categories of documents. ECF No. 22. Plaintiff represents he is seeking the following documents in his Requests for Production (“RFP”):

- 1) Original copies of Plaintiff’s entire disciplinary history while being incarcerated in SCDC custody.
- 2) Original or copies of Plaintiff’s entire grievance history while being incarcerated at SCDC to include Step 1 and Step 2 grievances filed on Defendant Gilliard.
- 3) Original or copies of Plaintiff[’s] medical records from the date of November 2014 through the year 2015 while being treated for injury resulted from Defendant Gilliard.
- 4) Original or copies of the A-side SMU log book from November 2014 through January 2015.
- 5) Original or copies of cell check sheets for Plaintiff from November 2014 through January 2015.
- 6) Original or copies of the Incident Report filed by the Defendant Gilliard for the incident on November 2014 on the 14th day.

Id. On November 3, 2016, Defendant filed a Response to Plaintiff’s Motion. ECF No. 24. There, Defendant represents he lodged several objections to Plaintiff’s requests, including objecting on the basis that the RFPs were overly broad. *See id.* Alternatively, Defendant argued that Plaintiff was seeking records from SCDC, a non-party to the action, and “Plaintiff has equal capability and can pursue records maintained by SCDC in accordance with the Federal Rules of Civil Procedure.” *See id.* at 2.

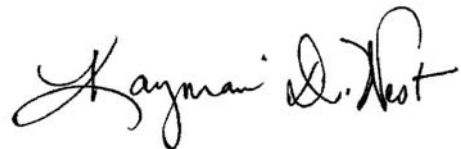
The undersigned has reviewed the RFPs and responses to it. Plaintiff’s Motion to Compel with respect to RFPs 1, 2, 3, and 6 is **denied without prejudice**. It appears that Defendant has obtained responses to Plaintiff’s requests to the extent the RFPs are related to the incident that is

the subject of Plaintiff's action, and Defendant's responses are forthcoming. Therefore, Plaintiff's Motion to Compel with respect to these RFPs is denied without prejudice with leave to refile should Defendant fail to produce these responses in due time.

Plaintiff's Motion to Compel with respect to RFPs 4 and 5 is **denied**. Based on Defendant's responses to these requests, it appears that Plaintiff should seek this discovery directly from SCDC, a non-party to this lawsuit. Therefore, Plaintiff is instructed to seek these documents via subpoena and pursuant to Rule 45 of the Federal Rules of Civil Procedure. The current discovery deadline of October 24, 2016, will be extended so that Plaintiff may pursue obtaining these documents via subpoena. However, discovery is otherwise **closed**. *See* ECF No. 18. The parties are instructed not to serve additional discovery requests. Additionally, other than filing motions concerning outstanding discovery, the parties are instructed not to file additional discovery motions in this matter.

IT IS SO ORDERED.

November 28, 2016
Florence, South Carolina



Kaymani D. West
United States Magistrate Judge