

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

David Bacchus, #315173,)	
)	Civil Action No. 6:10-2857-HMH-KFM
Plaintiff,)	
)	<u>ORDER</u>
vs.)	
)	
South Carolina Department of)	
Corrections, et al.,)	
)	
Defendants.)	

This matter is before the court on the plaintiff's motion to compel (doc. 72). The plaintiff, a state prisoner who is proceeding *pro se*, filed this action pursuant to Title 42, United States Code, Section 1983, claiming that his constitutional rights have been violated. Specifically, the plaintiff alleges excessive force and claims that on June 1, 2009, the defendants used a chemical munition (Mace) and beat him after he attacked a correctional officer with a lock tied to a string (comp. at 5).

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983.

On March 18, 2011, the undersigned ruled on the plaintiff's previous motion to compel and ordered the defendants to provide the plaintiff with the following documents: his medical records from June 1, 2009, to the present (request no. 1); Use of Force Report Forms written by Lt. June, Lt. Hancock, Sgt. Roach, Ofc. M. Williams, Ofc. Simon, and Lt. Commander on June 1, 2009 (request nos. 2-7); Incident Reports written by Sgt. Roach, Lt. Hancock, and Ofc. M. Williams on June 1, 2009 (request nos. 16-18); and copies of pictures taken of the plaintiff by Inv. Greer on June 2, 2009 (request no. 14).

In his motion, the plaintiff complains that the defendants did not produce all of the Use of Force Report Forms and Incident Reports as directed by this court. In

response, the defendants state that they provided the plaintiff with supplemental responses to discovery requests and second supplemental responses to discovery requests totaling 70 pages of information. The defendants further state that they have identified two incident reports from Lt. Hancock and "M. Williams" that were inadvertently not produced with the other 70 pages of documents. The defendants served those documents on the plaintiff simultaneously with the filing of their brief in opposition to the instant motion to compel. The defendants state that they have now produced all required and requested documents in their possession, and the discovery responses are complete.

Wherefore, based upon the foregoing, the plaintiff's motion (doc. 72) is moot.

IT IS SO ORDERED.

May 12, 2011
Greenville, South Carolina

s/Kevin F. McDonald
United States Magistrate Judge