

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

Edwin Reeves Hazel, III,)	Civil Action No. 9:10-cv-0321-MBS
)	
Plaintiff)	
)	
vs.)	<u>ORDER</u>
)	
)	
Sargent Rosemary Sanders and)	
Captain Cliff McElvogue,)	
)	
Defendants)	
_____)	

This action was originally filed by the Plaintiff, pro se, asserting violations of his constitutional rights while he was a pre-trial detainee at the Berkeley county Detention Center.¹ Following the granting, in part, and denial, in part, of a motion for summary judgment filed by the Defendants, Plaintiff obtained counsel, who was granted leave to conduct such discovery as may be appropriate prior to further consideration of the case. See Court Docket No. 44.

On April 13, 2011, Plaintiff’s counsel filed a motion to compel seeking an order from this Court compelling the Defendants to comply with Plaintiff’s request for production of documents Nos. 1, 2, 3 and 5. Defendants oppose Plaintiff’s motion outright, or in the alternative seek to have Plaintiff’s discovery requests more narrowly tailored to fit the claims being asserted in this lawsuit.

¹Plaintiff is now an inmate with the South Carolina Department of Corrections. See Court Docket No. 22.

Pursuant to previous rulings of the Court, the only claims remaining in this case are Plaintiff's claims for monetary damages due to retribution/retaliation by the Defendant Sanders, having to eat an unhealthy diet, being allowed inadequate time for recreation, an inadequate opportunity to shower, and improper classification. See Order of the Court filed November 18, 2010, at pp. 2-3. In his discovery requests, Plaintiff seeks production of the following:

Request For Production No. 1

Any and all grievances, complaints, or other documents received by the Defendants or their agents at the Hill-Finklea Detention Center concerning inmates that were housed in A-Pod from March 3, 2009 to March 23, 2010, and any memoranda, investigative files, or other documents created in response to such document.

Request For Production No. 2

Any logs, lists or other documentation reflecting grievances filed by Hill-Finklea Detention Center inmates housed in A-Pod from March 3, 2009 until the date on which you respond to these requests.

Request For Production No. 3

Any and all documents created by any Hill-Finklea Detention Center staff member in response to grievances filed by A-Pod inmates from March 3, 2009 to March 23, 2010.

Request For Production No. 5

Any logs, lists or other documentation as to the names of who was housed in A-Pod on protective custody from March 3, 2009 to March 23, 2010.

Defendants argue that Plaintiff's requests are overly broad and are not responsive to any of the claims and issues remaining in this case. The Court is constrained to agree with the Defendants, and Plaintiff has offered no cogent rationale for why or how the documents requested relate to

Plaintiff's remaining claims. Therefore, Plaintiff's motion to compel is **denied**, at this time, without prejudice.

Plaintiff may submit more narrowly tailored production requests to the Defendants within seven (7) days of the date of this Order. In the event of any dispute arising from such requests, the parties are urged to attempt to resolve any disputed matters between counsel before seeking Court review or intervention.

IT IS SO ORDERED.



Bristow Marchant
United States Magistrate Judge

May 24, 2011
Charleston, South Carolina

