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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS LUFKIN DIVISION

CHARLES DOUGLAS RABY

VS.

\$ CIVIL ACTION NO. 9:13-CV-120

PAUL TOLLY, et al.,

\$

MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiff's Motion for Reconsideration of this Court's prior order denying plaintiff's motion to compel (docket entry no. 109).

On September 26, 2017, this Court denied Plaintiff's Motion to Compel the defendants to produce computer activity and/or maintenance logs. It was noted in this order that the defendants argue they have produced all the videos they have in their possession and have provided a no records affidavit to that effect. *Id.* The Court admonished the defendants that the Court would strongly consider imposing sanctions if it is determined at a later date that the defendants failed to produce additional videos that are in their possession. *Id.* In addition, the Court advised the defendants to review the computer maintenance/activity logs and ensure there are no additional videos. *Id.*

On January 8, 2018, plaintiff filed his Motion for Reconsideration (docket entry no. 106). On March 23, 2018, this Court granted the motion for reconsideration and set the issue for a hearing on April 24, 2018 (docket entry no. 110).

At the hearing, TDCJ witnesses testified that they were not aware of a computer maintenance/activity log as requested by plaintiff and cannot produce what they do not have. Based on the foregoing and after careful consideration, the Court will deny plaintiff's motion to compel, after reconsideration. Plaintiff's additional motions to compel (docket entry nos. 122-124) will similarly be denied. It is, therefore,

ORDERED that Plaintiff's Motion to Compel (docket entry no. 88) after reconsideration is **DENIED**. It is further **ORDERED** that Plaintiff's Motions to Compel (docket entry nos. 122-124) filed May 1, 2018 are similarly **DENIED**.

SIGNED this 18th day of June, 2018.

Zack Hawthorn

United States Magistrate Judge