

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DANIEL LEE WAKEFIELD,
Plaintiff,

v.

Case No. 12-CV-1193

WHEATON FRANCISCAN HEALTHCARE—ALL SAINTS,¹
WARDEN JOHN PAQUIN, AISHA SHAKOOR, and JOHN DOE,
Defendants.

DECISION AND ORDER

Plaintiff has filed a motion to compel discovery. He contends that the defendants failed to fully answer his first request for interrogatories and production of documents. To the extent this motion is directed to defendant All Saints, it is denied on the ground that, from the exhibits attached to plaintiff's motion, it appears that All Saints has properly answered plaintiff's discovery requests.

With respect to defendants Paquin and Shakoor, plaintiff contends that they failed to provide (1) plaintiff's Psychological Services Unit ("PSU") and Health Services Unit ("HSU") files and (2) disciplinary records relating to an inmate named Dennis Brown. The defendants have agreed to make the PSU and HSU files available to plaintiff for inspection and copying at the institution in which he is confined. See, e.g., Response to Request #17. This satisfies the defendants' obligations under Federal Rule of Civil Procedure 34. With respect to the disciplinary records, the defendants refuse to provide them on the ground that they have a policy of not allowing inmates access to other inmates' institutional

¹In its response to plaintiff's motion to compel, defendant St. Mary's Hospital states that it is properly identified as Wheaton Franciscan Healthcare—All-Saints. I have amended the caption to reflect the defendant's proper name.

records. In his motion to compel, plaintiff does not explain why Brown's disciplinary records are relevant to this matter. Thus, in balancing plaintiff's need for the information against the defendant's policy of refusing to share inmate information with other inmates, it appears to me that the balance tips in favor of allowing the defendants to withhold the documents. See Fed. R. Civ. P. 26(b)(2)(C)(iii). Accordingly, plaintiff's motion to compel will be denied.

I also note that defendants Paquin and Shakoor filed a motion for summary judgment on September 13, 2013, and that All Saints filed a motion for summary judgment on October 8, 2013. Plaintiff's responses to these motions were due on October 14 and November 7, yet to date plaintiff has not filed a response to either motion. Plaintiff is advised that unless he files responses to the motions on or before December 26, 2013, the court will conclude that the plaintiff does not oppose the motions and will grant them for that reason.

THEREFORE, IT IS ORDERED that plaintiff's motion to compel discovery (Docket 25) is **DENIED**.

IT IS FURTHER ORDERED that the Clerk of Court note that the caption has been amended to reflect that defendant Saint Mary's Hospital is properly identified as Wheaton Franciscan Healthcare—All-Saints.

FINALLY, the court hereby advises plaintiff that the court will deem defendants' motions for summary judgment unopposed unless plaintiff files responses to those motions on or before **December 26, 2013**.

Dated at Milwaukee, Wisconsin, this 26th day of November, 2013.

s/ Lynn Adelman

LYNN ADELMAN
District Judge