

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES JERMAINE DAVIS,

Plaintiff,

v.

MICHAEL MEISNER, *et al.*,

Defendants.

ORDER

15-cv-268-slc

Pro se plaintiff James Davis is proceeding in this case on (1) Eighth Amendment claims against prison officers at Columbia Correctional Institution related to how they handled his cell removal and medical care following a suicide attempt, and (2) a First Amendment claim against defendant Sandra Ashton related to her issuance of conduct reports. Currently before me is Davis's Motion to Compel (dkt. 99), which I am denying.

Davis seeks an order compelling defendants to provide further responses to two discovery requests. First, Davis wants defendants to produce more documents and information related to his special placement need (SPN) request against Ashton. Davis explains that he requested this information because it relates to his retaliation claim against Ashton. He acknowledges that defendants produced an Investigation Report created by Lieutenant Morrison, which referenced certain interviews Morrison conducted, but further explains that defendants refuse to turn over Morrison's notes or the names of the people Morrison interviewed. However, defendants represent that they produced all documents in their possession related to Davis's request for an SPN against Ashton, and that Morrison's investigation did not go further than the information they already provided. Because Davis has not submitted any evidence suggesting that more documents or information exists, I am denying his request.

Second, Davis seeks an order compelling defendants to provide information about an investigation conducted by David Melby regarding Davis's complaints that Ashton was retaliating against him. In particular, Davis requests the names, job titles, and duties of staff members at Columbia whom Melby spoke with about Davis's retaliation complaints against Ashton. Defendants represent that they produced all documents in their possession about Melby's investigation and point out that Melby is not a party to this lawsuit so they do not have that information. Davis persists, arguing that Melby no longer works at Columbia and that the defendants *do* possess the information he seeks because they have access to Melby's investigation file. However, Davis has not submitted any evidence that suggests that Melby's investigation included additional documents that defendants (or, more generally, the DOC) possess. If Davis's believes that Melby conducted interviews, I am confident in his ability to locate Melby to request information from him, either informally or by issuing him a subpoena in accordance with the Federal Rules of Civil Procedure and the procedures I laid out in the Trial Preparation Order (dkt. 99).

ORDER

It is ORDERED that plaintiff James Davis's Motion to Compel (dkt. 99) is DENIED.

Entered this 8th day of September, 2017.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge