

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

SEAN ANTHONY RIKER,

Plaintiff,

v.

TODD OVERBO, VICKI SEBATIAN,
KELLI R. WELLARD-WEST,
TIMOTHY HAINES, ELLIE RAY,
CHARLES FACKTOR, CHARLES E. COLE,

Defendants.

ORDER

12-cv-696-bbc

In this civil action for monetary and injunctive relief, plaintiff Sean Anthony Riker, an inmate at the Wisconsin Secure Program Facility, is proceeding on claims that defendants violated his rights under the free exercise clause of the First Amendment and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc-1(a), by denying his requests for a religious vegan diet. Now before the court is plaintiff's motion to compel discovery from defendants, including (1) defendants' complete employee files; (2) "a complete copy of the WDOC policy on everything"; (3) "a complete copy of the WSPF policy on everything"; (4) copies of the institution's vegan, halal, kosher and regular menus; and (5) "the calorie make-up" for all meals.

Plaintiff contends that he needs defendants' employee files to determine whether defendants have committed misconduct or violated the rights of other inmates during their

employment. Defendants objected to plaintiff's request on the grounds that plaintiff's request was overly broad, vague and ambiguous, required disclosure of private information that could jeopardize the safety and security of defendants and was irrelevant. Defendants' objections are valid. This request is overly broad and seeks irrelevant information. Plaintiff does not need defendants' employee files to prove his claims, let alone all of defendants' employee files. Whether defendants have been reprimanded in the past is irrelevant to plaintiff's claims regarding his request for a vegan diet.

With respect to plaintiff's request for the "complete WDOC policy on everything" and the "complete WSPF policy on everything," plaintiff says he needs these policies because he "needs to know what the policy is." However, defendants are correct that plaintiff's request is overly broad, vague, ambiguous and would be overly burdensome. The Department of Corrections and the Wisconsin Secure Program Facility have numerous policies that apply to various aspects of their operations. There is no reason for plaintiff to receive "complete" policies on "everything," as many would be irrelevant to plaintiff's claims. Plaintiff should narrow his request to identify particular policies that would be relevant.

Finally, with respect to plaintiff's request for copies of the institution menus and their calorie counts, defendants told plaintiff that they would make this information available to him if he submitted a written request to Ellen Ray at the institution. This is a valid response to plaintiff's request. Defendants are required only to make relevant information available to plaintiff. They are not required to print copies of information and deliver it to plaintiff personally. Plaintiff does not say whether he has attempted to obtain this information

according to the procedures offered by defendants, but unless he does so unsuccessfully, he has no basis for filing a motion to compel.

ORDER

IT IS ORDERED that the plaintiff Sean Riker's motion to compel, dkt. #22, is DENIED.

Entered this 16th day of May, 2013.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge