

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

FREDERICK ROGERS,

Plaintiff,

v.

C.O. HERWIG,

Defendant.

ORDER

04-C-977-C

Plaintiff has refiled his “motion to demand the production of documents and interrogatories” asking for disclosure of any blotches staining defendant’s work history. *see* dkt. 37. Defendant has not responded to the motion.

Because plaintiff’s claim is defendant’s deliberate indifference to plaintiff’s serious medical need, prior discipline for misconduct against prisoners is relevant and discoverable to prove state of mind. Because any person’s personnel file likely will contain confidential information, plaintiff may not have direct access to it. Hewing to this court’s routine in such matters, I will review defendant’s personnel file *in camera* to determine if any documents within it are discoverable in this lawsuit. I note that plaintiff’s actual discovery requests are a bit broader than this, but the cost-benefit ratio of locating and reviewing any complaints against defendant that have not been upheld militates strongly in favor of limiting review and disclosure to any complaints that have been deemed meritorious in some degree.

It is ORDERED that not later than February 6, 2006, defendant shall produce to the court for in camera inspection a copy of defendant's personnel file.

Entered this 30th day of January, 2006.

BY THE COURT:
/s/
STEPHEN L. CROCKER
Magistrate Judge