

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

RUSSEL L. SINGLETARY,

Plaintiff,

v.

ORDER

06-C-323-C

JAMES W. REED, M.D.
CHIEF MEDICAL DIRECTOR
FCI OXFORD
OXFORD, WISCONSIN,

Defendant.

This case is scheduled for trial on July 23, 2007, on plaintiff Russel Singletary's claim that his Eighth Amendment rights were violated when defendant Reed deliberately failed to provide him with certain medications after plaintiff had a colon polyp surgically removed. On May 25, 2007, defendant moved for permission to depose plaintiff and that motion was granted in an order dated May 30, 2007. Now plaintiff has submitted a letter dated May 31, 2007, in which he asks the court to place restrictions on the topics defendant may broach during questioning. That request will be denied.

As a general rule, parties may obtain discovery regarding any matter, not privileged,

that is relevant to the claim or defense of any party or that appears reasonably calculated to lead to the discovery of admissible evidence. Fed. R. Civ. P. 26(b)(1). Thus, defendant may not only ask plaintiff questions about matters relating to the issue whether defendant intentionally denied him necessary medication and medical care following his colonoscopy, but questions bearing on plaintiff's character, including but not limited to his capacity for telling the truth. If plaintiff objects to a question on the ground of relevance, he is free to note the objection for the record, but he must then answer the question, unless his answer is subject to privilege such as his Fifth Amendment privilege against self-incrimination. Plaintiff should be aware, however, that if he invokes privilege where he has no legal basis for doing so, he may be subject to sanctions, up to and including dismissal of his case.

ORDER

IT IS ORDERED that plaintiff's request that restrictions be placed on the questions defendant may ask during his deposition is DENIED.

Entered this 12th day of June, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge