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

SERGIO L. SHAW,

                    Plaintiff,   ORDER

          v.

BRIAN NEUMAIER,   09-cv-747-bbc

                    Defendant.

Plaintiff Sergio Shaw is proceeding on his Eighth Amendment claim that defendant Brian Neumaier failed to protect him from self harm. On May 28, 2010, I granted plaintiff's motion to compel defendant to provide plaintiff evidence from defendant's personnel file, including any complaint, investigation, report, legal or disciplinary proceeding or other evidence that defendant intentionally or recklessly mistreated any inmate, staff member or civilian, or was indifferent to the medical, security or safety needs of any person. In response to plaintiff's motion for sanctions, defendant stated that no disciplinary records existed. Therefore, the court denied plaintiff's motion for sanctions.

Now before the court is plaintiff's motion for reconsideration. He attaches to his motion a copy of an inmate complaint that indicates an investigation was being pursued of his allegations against defendant Neumaier. In response to plaintiff's motion, defendant's counsel determined that there was an investigation that generated documentation, which was not in Neumaier's personnel file. This information includes an Employee Disciplinary Investigation Report and a written letter of reprimand sent to defendant Neumaier. Although defendant's counsel says that this information was not in defendant Neumaier's personnel file, he does not say where it was found or why it was not in the file. Counsel shall provide this information to

the court not later than August 6, 2010. What happens next depends on what the court learns

about this discovery failure.

Apart from this, because the information has now been provided to plaintiff, his motion

for reconsideration will be denied as moot.

<div align="center">ORDER</div>

IT IS ORDERED that plaintiff's motion for reconsideration, dkt. #53, is DENIED as

moot.

Entered this 28ᵗʰ day of July, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge