

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

ROBERT W. TESSEN,

Plaintiff,

v.

STEVE HELGERSON, NANCY HAHNISCH,
DARCI BURRESON, JENNIFER NICKEL and
NATALIE NEWMAN,

Defendants.

ORDER

10-cv-104-wmc

Plaintiff Robert W. Tessen was allowed to proceed on his Eighth Amendment claim that defendants Steve Helgerson, Nancy Hahnisch, Darci Burreson, Jennifer Nickel and Natalie Newman were deliberately indifferent to his serious medical need. Now before the court is plaintiff's motion to compel discovery under Fed. R. Civ. P. 37. Dkt. 29.

In his motion, plaintiff asks the court to compel defendants to produce for inspection and copying his complete medical file from 2007 to present. As defendants point out in their response to plaintiff's motion, plaintiff did not make this request as a request for discovery from defendants, but rather as a request to the health services department. Also, he did not request that he be allowed to inspect and copy these records, but asked for copies to be made for him.

Because plaintiff did not submit a document request to the defendants under Fed. R. Civ. P. 34 for his medical records, his motion to compel will be denied. Further, plaintiff is not entitled to free copies of his medical records under Rule 34. He is entitled only to inspect the documents and request copies of the relevant ones at his own expense.

ORDER

IT IS ORDERED that plaintiff Robert W. Tessen's motion to compel discovery, dkt. 29, is DENIED.

Entered this 23rd day of November, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge