

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

CHRISTOPHER M. SANDERS,

Plaintiff,

v.

SHARALEE LUNDMARK,

Defendant.

ORDER

11-cv-206-slc

Plaintiff Christopher Sanders was allowed to proceed on his claim that defendant, Sharalee Lundmark, violated his rights under the First Amendment by threatening him with a conduct report and issuing two false conduct reports against him in retaliation for his grievances complaining about the inmate complaint system and her treatment of him. Now before the court is plaintiff's Motion to Compel Discovery, Deposition/Interrogatories (dkt 24).

First, plaintiff seeks to have individuals who are not parties in this case deposed. He seeks to have defendant's counsel arrange for these depositions or, in the alternative, to respond to interrogatories served on these individuals. Plaintiff is not entitled to take discovery in this manner. Pursuant to Rule 33, Fed. R. Civ. Pro., interrogatories only may be served on parties in this action. If plaintiff wishes to depose non-parties, he should re-read the Pretrial Order in this case, which provides instructions for serving subpoenas on such individuals for their depositions, pursuant to Rule 45, F.R. Civ. Pro. It is completely plaintiff's responsibility to arrange and to pay for any such depositions. Because of this, his motion to compel discovery from third parties will be denied.

Second, plaintiff moves to compel production of grievances filed against defendant. Defendant has noted her objection to producing these records on the grounds of confidentiality

and the fact that the request is overly burdensome, but nonetheless completed a search of the relevant records. Based on this search and her own memory, defendant does not recall receiving any grievances being filed by any inmates other than plaintiff. This is sufficient; therefore plaintiff's motion to compel further discovery on this issue will be denied.

Finally, Plaintiff has requested information regarding conduct reports defendant has written against inmates trying to use the prison's grievance system. Although defendant has asserted the confidentiality of these records, she has made a search and has concluded that in addition to the conduct report written against plaintiff, she has written two other relevant conduct reports between January 1, 2010 and the present. Because defendant Lundmark had provided the documents requested by plaintiff, his motion to compel will be denied.

ORDER

IT IS ORDERED that plaintiff's motion to compel discovery, dkt 24, is DENIED.

Entered this 16th day of August, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge