

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

DEREK M. WILLIAMS,
Plaintiff,

v.

RICK RAEMISCH, WILLIAM POLLARD,
PETER ERICKSEN, WILLIAM SWIEKATOWSKI,
THOMAS CAMPBELL, ROBIN LINDMEIER, PETER
GAVIN, MICHAEL SCHULTZ and CHRISTOPHER
STEVENS,

Defendants.

ORDER

11-cv-411-slc

Plaintiff Derek M. Williams, an inmate at the Green Bay Correctional Institution, is proceeding on a claim that various prison and Department of Corrections officials retaliated against him by filing false conduct reports, violated his due process rights at disciplinary proceedings and subjected him to draconian conditions of confinement for his having filed lawsuits against prison officials. Presently before the court is plaintiff's motion to compel discovery. This motion comes after defendants apparently adequately responded to about 75 of plaintiff's 121 requests, meaning that plaintiff now seeks to compel about 45 different types of information. I will deny the motion in its entirety, addressing the broader categories of plaintiff's requests below.

First, plaintiff asks for numerous documents that either do not exist (such as documentation from defendant Ericksen regarding plaintiff's cell transfers, entries regarding plaintiff in the North Cell Hall log book, or the procedures to be followed when an inmate harms himself or ingests drugs) or have already been provided by defendants to the best of their ability (such as transcripts of telephone conversations, which do not exist, although defendants have made the recordings available to plaintiff, or communications between prison staff and state Senator Lena Taylor, which defendants have provided). In particular, I note that plaintiff requested video recordings of events that correspond to events in this case. Defendants state that they will not give him copies but have

allowed him to view the videos. If plaintiff wishes the court to have a copy of these videos for purposes of summary judgment or trial, he should make a request and defendants should submit them *in camera*.

Next, plaintiff makes requests for photographs of the cells in the segregation unit and the visiting room and bathroom in the “Processing Building.” However, there is nothing in the discovery rules that require defendants to take the requested photographs for plaintiff. Therefore, his motion to compel their production will be denied. Pursuant to Fed. R. Civ. P. 34(a)(2), plaintiff could ask that he be allowed to take a photograph but he has not made such a request. So as not to set up plaintiff for failure, I predict that prison officials likely would object to such a request on a variety of commonsensical grounds, and the court likely would uphold those objections. At any rate, plaintiff is free to present his own testimony about what the cells or other rooms look like.

Plaintiff seeks numerous records regarding the information that confidential informants divulged to authorities in connection with disciplinary proceedings against him for possession of intoxicants. To his credit, plaintiff responds to defendants’ argument about security concerns and asks for *in camera* review of these records. Defendants now state that the confidential informants’ statements have been lost. It is unclear how relevant these requests are given that summaries of the confidential informants’ statements are included in the conduct report against plaintiff, which he has already seen. To the extent that the parties end up disputing whether the confidential informants actually exist, the loss of the records is defendants’ problem, as they will not be able to submit them to corroborate their version of events.

Plaintiff requests that defendants provide him with statistical compilations of data regarding such issues as the use of chemical agents, movement of prisoners, prisoner suicide attempts, referrals

of inmates to the sheriff for prosecution regarding drug possession. Defendants state that “for the most part,” this data does not exist, and the only way they could provide such data would be by poring over thousands of pages of records. I conclude that defendants adequately show the undue burden they would face by preparing these materials. I also note that it is unclear how relevant these materials are; unit- or prison-wide data is not nearly as important to this case as the details of the individual events that occurred to plaintiff.

Plaintiff asks for fairly esoteric information, such as documentation of the plastic covering over the light fixtures in the segregation unit. The relevance of this information is lost on the court; plaintiff (and defendants) are free to present testimony about how bright the light is in these cells.

Finally, defendants ask the court to bar plaintiff from filing additional discovery requests. I will not do so at this point but I note that any requests plaintiff makes in the future must be *specific, narrow, and limited* to the events that are the actual subject of his lawsuit. Another 100-item request for prison-wide records will result in sanctions.

ORDER

IT IS ORDERED that

- (1) Plaintiff Derek Williams’s motion to compel, dkt. 36, is DENIED.
- (2) Defendants’ motion to bar plaintiff from making further discovery requests, dkt. 39, is DENIED without prejudice.

Entered this 19th day of November, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge