

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

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DERRICK HOWARD,

Plaintiff,

v.

PATRICK HOOPER,

Defendant.

ORDER

11-cv-629-bbc

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In an order entered on April 27, 2012, I denied plaintiff Derrick Howard's motion to compel the production of Secured Internal Management Procedure SIMP 25 and Division and Adult Institution (DAI) Policy and Procedure 306.07. *See* dkt. 38. In the same order I cautioned plaintiff that if he filed an appropriate request for production of these documents and the state declined to produce them, then in any subsequent motion to compel he would be required to make a specific showing as to how and why his need for these documents outweighs the institution's security concerns regarding this information. Now plaintiff has filed a renewed motion to compel SIMP 25 and DAI Policy and Procedure 306.07. I am denying plaintiff's motion.

In the April 27 order, plaintiff was told that if he was able to make a showing how these documents would advance this litigation, then the court might direct the State produce these documents or to submit them to the court for an *in camera* inspection. But plaintiff has filed just a one-page motion in which he states that defendants have refused to provide these documents for security reasons and that "plaintiff needs these documents to argue against defendant's argument that his use of force was justified." This isn't close to enough. Plaintiff has failed to articulate a specific need for the requested documents and any minimal relevance of these documents is outweighed by the potential to jeopardize institution security.

I encourage plaintiff to consult the pretrial conference order and focus on gathering and organizing the evidence he will need to either prepare a summary judgment motion, which may be filed in this case by August 3, 2012. In preparing (or defending against) a summary judgment motion, plaintiff should focus on the facts: what happened (or didn't happen)? Who did it? When? Where? Did any facts support (or fail to support) this application of force? What admissible evidence supports the answers to these questions? Plaintiff obviously knows his own version of events and he can request through discovery other relevant documents, such as staff reports and any medical reports.

#### ORDER

IT IS ORDERED that plaintiff Derrick Howard's second motion to compel production of SIMP 25 and DAI Policy and Procedure 306.07 or for an *in camera* inspection, dkt. 43, is DENIED.

Entered this 18<sup>th</sup> day of June, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge