

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

DAVIN ROLLINS,

Plaintiff,

v.

DENNIS MCKNIGHT and
MICHAEL LEEMAN,

Defendants.

ORDER

12-cv-389-lsa

Plaintiff Davin Rollins, a prisoner at the Waupun Correctional Institution, is proceeding in this case on his claims that defendants Dennis McKnight and Michael Leeman violated his constitutional rights by using excessive force against him. Plaintiff has filed a letter in which he discusses discovery issues. This court construed the letter as a motion to compel, to which defendants have responded. In the letter, plaintiff seeks photographs from the September 2, 2009 incident at issue in the case, and asks when he will be deposed by defendants as they suggested he would be.

In their response, defendants state that plaintiff has not sent them formal discovery requests, but in keeping with conversations made during the January 9, 2013 preliminary pretrial conference, they have provided plaintiff with the reports and photographs he seeks. Thus I will deny the motion to compel. The court's response to plaintiff's question as to when he will be deposed is that the deposition date is up to the defendants to set. If the deposition has not already occurred, then plaintiff may contact defendants with any discovery questions that cannot wait. Plaintiff is free to file a motion with the court if defendants fail to comply with his future discovery requests; if he does so, then plaintiff should include copies of his requests and defendants' responses. At this time, there do not appear to be any problems requiring the court's involvement.

ORDER

It is ORDERED that plaintiff Davin Rollins' motion to compel discovery, dkt. 45, is DENIED.

Entered this 12th day of June, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge