

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DALE W. BIRCH,)
)
Plaintiff,)
)
v.) Case No. 19-2156-JAR
)
THE CITY OF ATCHISON, KANSAS, et al.,)
)
Defendants.)

ORDER

Plaintiff has filed a motion (ECF No. 16) for an order directing defendants to re-mail two CDs of discovery responses to plaintiff's address at the Atchison County Jail. Defendants' discovery responses included one CD of audio communications and one CD containing a criminal case file.¹ Plaintiff asserts that the CDs were wrongfully opened by jail administrators outside of his presence, and he alleges that "evidence is being switched or altered."² He therefore requests the court to order defendants to mail duplicate copies of the two CDs, both to himself and to an attorney, Shaye L. Downing, at the Sloan Law

¹ ECF No. 17.

² ECF No. 16.

Firm.³ Defendants oppose the motion, arguing they have complied with the local rules and that plaintiff has not articulated a sufficient need for additional copies of the CDs.⁴

The court agrees with defendants. Plaintiff has not articulated any reason requiring defendants to undertake the cost of providing the CDs to plaintiff again. He has received the CDs and makes no argument that he is unable to view their materials. Plaintiff merely offers an unsupported assertion that he is “being cheated,” and that the Atchison County Sheriff’s Department has intercepted and interfered with past mail.⁵

Defendants have complied with their discovery requirements. Without any additional support for plaintiff’s request, the court declines to impose this burden on defendants. Furthermore, plaintiff’s request for defendants to also mail copies of the CDs to an attorney at Sloan Law Firm is denied. Shaye L. Downing has not entered an appearance, and defendants have no burden to mail discovery responses to an attorney unaffiliated with this case. For those reasons, plaintiff’s motion is denied.

IT IS SO ORDERED.

Dated August 7, 2019, at Kansas City, Kansas.

s/ James P. O’Hara
James P. O’Hara
U.S. Magistrate Judge

³ *Id.*

⁴ ECF No. 17.

⁵ ECF No. 16.