

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Robert Arredondo,	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	Civil Action H-06-1580
	§	
Gulf Bend Center, <i>et al.</i> ,	§	
<i>Defendants.</i>	§	

ORDER

Before the court is defendant Gulf Bend Center’s motion to compel discovery. (Dkt. 43). Gulf Bend has filed this motion asserting that pro se plaintiff Robert Arredono has placed his medical condition at issue, but refuses to sign a medical release preventing Gulf Bend from obtaining his medical records. Because Arredondo has filed a claim based upon his alleged disability, Arredondo has placed his medical condition at issue. Moreover, Arredondo has requested records from Gulf Bend Center and other providers. In response, to Arredondo’s request for medical records, Gulf Bend states that it sent Arredondo a medical release, in accordance with the Health and Insurance Portability and Accountability Act of 1996 (“HIPPA”), 42 U.S.C. § 1320d, *et seq.* Arredondo has not provided an explanation for his refusal to execute a medical release.

Gulf Bend’s request is within the scope of discovery permitted by Fed. R. Civ. P. 26(b) because Arredondo’s medical records are relevant to the claims at issue in this lawsuit. Therefore, Gulf Bend’s motion to compel discovery is GRANTED. This court orders

Arredondo to execute Gulf Bend's request for medical release by January 5, 2007.

Signed at Houston, Texas on December 20, 2006.



Stephen Wm Smith
United States Magistrate Judge