

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

James Westley v. Brandeshawn Harris, et al.

Westley · No. 4:21-CV-01672 · Decided December 5, 2025

SUMMARY

The United States District Court for the Northern District of Ohio denies Plaintiff James Westley’s emergency motion for sanctions based on alleged spoliation of surveillance video and a telephone recording. The court analyzes the preservation duty, prejudice, and intent requirements under Federal Rule of Civil Procedure 37(e), concluding that Westley failed to show that Defendants had a duty to preserve the missing footage or caused its spoliation. The order resolves ECF Doc. 48.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Amanda M. Knapp
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	December 5, 2025
DOCKET	4:21-CV-01672
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for sanctions under the court's inherent authority and Federal Rule of Civil Procedure 37(e), alleging spoliation of surveillance video and a missing GTL telephone recording. The magistrate judge, acting under 28 U.S.C. § 636(b)(1)(A) and Federal Rule of Civil Procedure 72(a), denied the motion.
STANDARD OF REVIEW	Case-by-case evaluation of spoliation sanctions under Federal Rule of Civil Procedure 37(e), including whether the moving party established a duty to preserve relevant electronically stored information. The court did not reach the remaining Rule 37(e) factors because plaintiff failed to establish such a duty.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order
PARTIES	James Westley v. Brandeshawn Harris, et al.

TOPICS

sanctions

discovery dispute

civil procedure

evidence

section 1983

PRACTICE AREAS

civil rights

civil procedure

discovery and e-discovery

prisoner litigation

QUESTIONS PRESENTED

1. Whether defendants had a duty under Federal Rule of Civil Procedure 37(e) to preserve the requested surveillance footage before it was automatically overwritten under ODRC's fourteen-day retention policy.
2. Whether sanctions, including an adverse-inference instruction, monetary sanctions, striking defenses, default judgment, or additional discovery relief, were warranted for alleged spoliation.
3. Whether sanctions were warranted concerning the requested GTL telephone recording after defendants obtained and provided the recording to plaintiff.

HOLDINGS

1. Plaintiff failed to show that defendants had a duty to preserve additional footage of Defendant Eubank outside plaintiff's cell because his request to review and save footage from the chemical-agent incident did not reasonably identify a different location or time.
2. Plaintiff failed to show that defendants had a duty to preserve additional footage from January 17 or 18, 2020, beyond the footage of the alleged assault that defendants produced.
3. Plaintiff failed to establish that defendants had a duty to preserve the requested footage concerning the March 18 and May 29, 2020 coughing incidents before expiration of the applicable fourteen-day retention periods.
4. Because plaintiff failed to establish that defendants had a duty to preserve the missing footage, the court denied all requested sanctions and did not reach the remaining Rule 37(e) factors. An adverse inference or default judgment also would require the intent specified in Rule 37(e)(2), which the record did not support.

KEY QUOTATIONS

“When Rule 37(e) applies, district courts may not rely on their inherent authority to determine when certain sanctions may be imposed.” (Section III.B)

“Accordingly, Plaintiff’s Motion for Sanctions and all relief requested therein (ECF Doc. 48) is DENIED.” (Section IV)

FACTUAL BACKGROUND

Westley alleged that surveillance footage relating to four remaining § 1983 claims had been lost: an inmate assault and unsafe-cell assignment, two alleged COVID-19 coughing incidents, and use of a chemical agent. Defendants produced footage concerning the January 18, 2020 assault and the December 26, 2020 chemical-

agent incident, but stated that other footage had not been retained or created under Ohio Department of Rehabilitation and Correction retention practices. Westley relied on grievances and internal complaints as notice creating a duty to preserve the missing footage. A requested GTL recording was not an ODRC record, but defendants agreed to subpoena it and later provided it to plaintiff.

PROCEDURAL HISTORY

Westley filed a pro se § 1983 complaint in 2021. After screening, claims against fifteen defendants proceeded, but the district court granted defendants' motion for judgment on the pleadings in its entirety in January 2023. The Sixth Circuit vacated that judgment in part and affirmed it in part, remanding four claims for further proceedings. During discovery after remand, Westley sought sanctions for allegedly missing surveillance footage and a GTL recording; the GTL recording was later obtained and provided, and the court denied all requested sanctions.

DISPOSITION

other

CASES CITED

- Westley v. Harris, No. 23-3177, 2024 WL 4111143 (6th Cir. Sept. 4, 2024)
- Courser v. Michigan House of Representatives, 831 F. App'x 161, 187 (6th Cir. 2020)
- Applebaum v. Target Corp., 831 F.3d 740, 744-45 (6th Cir. 2016)
- Adkins v. Wolever, 692 F.3d 499, 506 (6th Cir. 2012)
- Bistran v. Levi, 448 F. Supp. 3d 454, 464-71 (E.D. Pa. 2020)
- Hargis v. Overton County, Tennessee, No. 2:22-CV-00011, 2023 WL 8604139, at *7-13 (M.D. Tenn. Dec. 12, 2023)
- John B. v. Goetz, 531 F.3d 448, 459 (6th Cir. 2008)
- Fujitsu Ltd. v. Federal Express Corp., 247 F.3d 423, 436 (2d Cir. 2001)
- Bruin v. Swank, No. 5:16-CV-105-BJB, 2025 WL 289679, at *6-8 (W.D. Ky. Jan. 24, 2025)
- Briggs v. Plichta, No. 1:13-CV-1280, 2017 WL 4051694, at *3 (W.D. Mich. Aug. 11, 2017), report and recommendation adopted, 2017 WL 3981096 (W.D. Mich. Sept. 11, 2017)
- Manning v. Erdos, No. 1:22-CV-371, 2024 WL 2882647, at *4 (S.D. Ohio June 7, 2024)