UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

KENNETH P. NELSON,	***)***	
	)	
Plaintiff	***)***	
v.	***)***	***No. 1:15-cv-450-JAW***
	)	
CAROLYN W. COLVIN, Acting	***)***	
Commissioner of Social Security,	***)***	
	)	
Defendant	***)***	

ORDER ON PLAINTIFF'S SECOND MOTION TO COMPEL

Following the denial of his motion to compel the defendant to produce a non-existent video recording of the hearing held before the administrative law judge concerning his application for benefits giving rise to this action, ECF Nos. 14 & 19, the *pro se* plaintiff in this Social Security appeal now moves to compel the defendant to provide him with a copy of the audio recording of that hearing. ECF No. 16 ("Motion"). Because the audio recording is available to the plaintiff in Portland, I deny the motion to the extent it seeks further relief.

In response to this motion, the defendant has reiterated her offer to allow the plaintiff to listen to the audio recording of his hearing at the Portland Office of Disability Adjudication and Review Hearing. Defendant's Response to Plaintiff's Second Motion to Compel (ECF No. 17) at 1. The plaintiff apparently believes, erroneously, that this court has custody of the recording. Objection of [sic] Order to Dismiss Motion to Compel ("Objection") (ECF No. 18) at [1] (filed subsequent to the instant motion). The actual recordings of Social Security hearings are not filed with the administrative record that is filed with this court in any Social Security appeals.

The plaintiff also apparently believes that he may not have access to the original recording, which remains in the defendant's custody, without a court order. *Id*. The plaintiff may have access

at the specified Portland Social Security office during regular business hours, and the defendant has expressly confirmed this.

Finally, the plaintiff renews his demand for the notes taken by the administrative law judge at the hearing. Motion at [1]. This request is foreclosed by the court's ruling on his first motion to compel. Order on Plaintiff's Motion to Compel (ECF No. 14) at 1-2 & Order Overruling Objection to Magistrate Judge Order (ECF No. 19).

For the foregoing reasons, the plaintiff's second motion to compel is **DENIED**.

NOTICE

In accordance with Federal Rule of Civil Procedure 72(a), a party may serve and file an objection to this order within fourteen (14) days after being served with a copy thereof.

Failure to file a timely objection shall constitute a waiver of the right to review by the district court and to any further appeal of this order.

Dated this 25th day of March, 2016.

/s/ John H. Rich III
John H. Rich III
United States Magistrate Judge