

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DAVID P. WILSON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:24-cv-111-ECM
)	
JOHN Q. HAMM, Commissioner,)	
Alabama Department of Corrections,)	
)	
Defendant.)	

ORDER

Now pending before the Court is Plaintiff David P. Wilson’s (“Wilson”) expedited motion to compel preservation of pulse oximeters. (Doc. 83). The Court held a status conference on March 10, 2026, during which it addressed the pending motion and the different methods available to extract the data from the pulse oximeters. One proposed method is sending the pulse oximeters to the manufacturer to extract the data.

For the reasons stated on the record at the status conference, and for good cause, it is

ORDERED as follows:

1. Wilson’s expedited motion to compel preservation of pulse oximeters (doc. 83) is GRANTED;
2. **Pending further Order of the Court, Defendant John Q. Hamm, his agents, employees, and attorneys SHALL take all steps necessary to preserve the pulse oximeters and the data thereon, including refraining from using the pulse**

oximeters, including for training or testing purposes; ensuring that the batteries remain inside the pulse oximeters; and properly marking and storing the pulse oximeters to prevent accidental deletion of data;

3. The Defendant shall contact the manufacturer of the pulse oximeters to confirm that the manufacturer can extract the data and, if so, how long it would take for the manufacturer to extract the data and whether and to what extent the process can be expedited;

4. **On or before March 13, 2026 at 12:00 p.m. CDT**, the parties shall file a joint status report informing the Court whether they have agreed on which method to pursue to extract the data from the pulse oximeters. The parties should set forth any areas of agreement, and each party shall set forth his respective position as to any issues on which the parties could not agree. Additionally, the Defendant shall include in the report the results of his efforts to contact the pulse oximeter manufacturer and what information he was able to obtain, in accordance with paragraph 3 of this Order.

DONE this 11th day of March, 2026.

/s/ Emily C. Marks
EMILY C. MARKS
UNITED STATES DISTRICT JUDGE