

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 06-cv-02148-BNB-MEH

DARRELL FORTNER, and
JENNIFER FORTNER, d/b/a Diamond/Dundee Tree Service,

Plaintiffs,

v.

THE CITY OF COLORADO SPRINGS,
MAYOR LIONEL RIVERA, individually and in his official capacity as Mayor of C/S,
KATHY YOUNG, individually and in her official capacity as City Clerk of C/S,
DARREL PEARSON, individually and in his official capacity as City Forrester of C/S,
JAMES A. CHOATE, in his individual capacity as Sergeant for El Paso County Sheriff's Office,
TERRY MAKETA, in his individual capacity as Sheriff of El Paso County, Colorado, and
JAMES E. MCGANNON, individually and in his official capacity as City Forrester for the City
of Colorado Springs, CO,

Defendants.

ORDER

This matter arises a letter [Doc. # 468, filed 4/17/2012] filed pro se by plaintiff Darrell Fortner, which I will construe as a motion to issue subpoenas (the "Motion"). I held a hearing on the Motion this morning and made rulings on the record, which are incorporated here.

IT IS ORDERED:

(1) The Motion [Doc. # 468] is GRANTED IN PART and DENIED IN PART as follows:

- GRANTED insofar as it seeks to have the court issue subpoenas commanding the following witnesses to appear and give testimony at the hearing on May 2, 2012, at 8:30 a.m., in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver,

Colorado:

- (i) Robert S. Demetry;
- (ii) Becky Chumbler;
- (iii) Phil Ludwig; and
- (iv) Andrew C. Gorgey;

- DENIED in all other respects; and

(2) The County Attorney has agreed to accept service of the subpoenas on behalf of Robert S. Demetry and Becky Chumbler; I have required by separate order that the United States Marshal effect service of the subpoena on Andrew C. Gorgey; and Mr. Fortner has indicated that he will be responsible for service of the subpoena on Phil Ludwig.

Dated April 25, 2012.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge