

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-01297-PAB-KLM

MALACHI Z. YORK, a/k/a Dwight York,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,
MAUREEN CRUZ, former Associate Warden,
JACK FOX, Associate Warden,
BRIAN A. BLEDSOE, Warden,
L. MCDERMOTT, Health Services Specialist,
S. SMITH, SIS Technician,
S. NAFZIGER, MD, Clinical Director,
C.W. WELCH, Physician Assistant,
MICHAEL NALLEY, Regional Director,
D. SHIEFELBEIN, Physician's Assistant,
J.T. SHARTLE, former Associate Warden,
RON WILEY, Warden,
HERMAN O. LYLE, MD, Consultant Internist,
IVAN NEGRON, MD, Medical Director,
RATAEL ROMAN, MD, Clinical Director,
RAIEZ, Health Physician Assistant,
G. HICKS, Physician Assistant,
J.F. CASTILLO, Physician Assistant,
RICK STALLKAMP, Pharmacist,
LAWRENCE LEYBA, DO, Clinical Director,
M. MILLER, Physician Assistant,
A. VINYARD, Physician Assistant,
Y. FETTERHOFF, Imaging Techniques Specialist,
M. SWANN, Practitioner Assistant, each in his/her individual and official capacity,

Defendants.

ORDER ENTERING PROTECTIVE ORDER AND QUASHING SUBPOENA

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Defendant [BOP's] Motion for Protective Order and to Quash Subpoena to Depose Assistant United States Attorney Marcy E. Cook**

[Docket No. 200; Filed March 26, 2009] (the "Motion"). The Motion is related to two prior Orders issued by the Court denying Plaintiff's request to depose defense counsel in this matter. My Orders clearly informed Plaintiff that (1) the discovery deadline has expired and no discovery, including the deposition of defense counsel, will be permitted; (2) there are no justifiable circumstances to depose defense counsel in this case; and (3) the Court will not entertain any further discovery requests of Plaintiff until the pending Recommendation to dismiss his case has been ruled upon. *Order* [#193] at 2; *see also Order* [#202] at 2. Without permission from this Court, Plaintiff issued a deposition subpoena to defense counsel and directed her to appear for a deposition at 6:30 p.m. on March 27, 2009 [Docket No. 200-2]. Although Defendant BOP advances several arguments in support of its Motion, I base my decision herein on the clear language of my previous Orders.

IT IS HEREBY **ORDERED** that the Motion is **GRANTED**.

IT IS FURTHER **ORDERED** that the deposition subpoena [Docket No. 200-2] propounded by Plaintiff on defense counsel is QUASHED.

IT IS FURTHER **ORDERED** that a Protective Order is entered pursuant to Fed. R. Civ. P. 26(c)(1)(A) which precludes Plaintiff or any persons acting on his behalf from attempting to obtain or serve any subpoenas in conjunction with this case. Discovery is closed, and the Recommendation to dismiss is pending. There are no circumstances which justify Plaintiff's issuance of subpoenas at this time.

Dated: March 27, 2009

BY THE COURT:

s/ Kristen L. Mix
U.S. Magistrate Judge L. Mix