

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-01914-MSK-MJW

EDWARD MUNIZ,

Plaintiff,

v.

NURSE KASPAR, et al.,

Defendants.

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that the Pro Se Incarcerated Plaintiff's Motion for Physical Examination (docket no. 71) is **DENIED**. The Pro Se Incarcerated Plaintiff brings this subject motion (docket no. 71) pursuant to Fed. R. Civ. P. 35 for a physical examination because he argues that he is continuing to have problems with diarrhea, acid indigestion, heartburn, and flatulence since his appendicitis in November 2006. The Pro Se Incarcerated Plaintiff's main purpose for bringing the subject motion (docket no. 71) is to obtain medical care for what he perceives to be a serious medical condition because he claims that he is not receiving adequate medical care for the above-listed medical conditions. That in Green v. Branson, 108 F.3d 1296, 1304 (10<sup>th</sup> Cir. 1997), the Tenth Circuit held that because the plaintiff's purpose was to obtain medical care, the district court's finding that plaintiff's motion brought under Fed. R. Civ. P. 35 was improper was not an abuse of discretion.

Date: January 14, 2009

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