

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-02426-ZLW-CBS

EDDIE DEAN FLUKER,
Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,
NEWTON E. KENDIG,
R. BAUER,
VIKAS V. PATEL,
STEVEN NAFZIGER, and
RONNIE WILEY,
Defendants.

ORDER

Magistrate Judge Craig B. Shaffer

This civil action comes before the court on: (1) "Plaintiff Fluker[']s Motion for the Court Assistance to Make Twenty Monitor[ed] Legal Telephone Calls to Schedule Doctor's Appointment for Independent Medical Examination" (filed June 17, 2009) (doc. # 80); and (2) Mr. Fluker's "Unopposed Motion for Plaintiff Fluker to Make Monitor[ed] Legal Telephone Calls to Schedule Doctor Appointments and Retain Expert Witnesses Pursuant to D.C. COLO LCivR 7.1 Motions (A) (b) [sic]" (filed July 9, 2009) (doc. # 84). Pursuant to the Order of Reference dated January 8, 2008 (doc. # 9) and the memoranda dated June 19, 2009 (doc. # 81) and July 10, 2009 (doc. # 85), these matters were referred to the Magistrate Judge. The court has reviewed the Motions, Defendant's response (filed July 23, 2009) (doc. # 88), the entire case file, and the applicable law and is sufficiently advised in the premises.

Mr. Fluker seeks relief in his first motion “only if this institution is on lock down.” (See doc. # 80 at pp. 1, 3 of 6). As the institution is not currently on lock-down, Mr. Fluker’s first motion is unnecessary and moot. Mr. Fluker makes his second motion on the basis that “the inmate phone system . . . make[s] it all but impossible” to retain expert witnesses and schedule doctor appointments. Mr. Fluker is incarcerated at USP Florence, where he is subject to the BOP’s discretion in scheduling outside physician appointments. Mr. Fluker is permitted 30 telephone numbers on his call list, a number that the court finds adequate for Mr. Fluker to conduct his search for expert witnesses.

Accordingly, IT IS ORDERED that:

1. “Plaintiff Fluker[’s] Motion for the Court Assistance to Make Twenty Monitor[ed] Legal Telephone Calls to Schedule Doctor’s Appointment for Independent Medical Examination” (filed June 17, 2009) (doc. # 80) is DENIED as unnecessary and moot.

2. Mr. Fluker’s “Unopposed Motion for Plaintiff Fluker to Make Monitor[ed] Legal Telephone Calls to Schedule Doctor Appointments and Retain Expert Witnesses Pursuant to D.C. COLO LCivR 7.1 Motions (A) (b) [sic]” (filed July 9, 2009) (doc. # 84) is DENIED as unnecessary.

DATED at Denver, Colorado, this 29th day of July, 2009.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge