

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

Civil Action No. 07-cv-02580-MSK-BNB

CHARLES SMITH,

Plaintiff,

v.

RON LEYBA, Warden, and
JOHN SUTHERS, Attorney General,

Defendants.

ORDER

This matter arises on the plaintiff's **Motion for Discovery** [Doc. # 44, filed 08/20/2009] (the "Motion"). The Motion is DENIED.

The plaintiff requests an order compelling the defendants to produce discovery. The plaintiff does not state that he has attempted to obtain the discovery from the defendants prior to filing his Motion. The rules of civil procedure permit a party to file a motion to compel only after attempts to obtain discovery pursuant to the appropriate rules of discovery have failed. Fed. R. Civ. P. 37. Therefore, prior to filing any future motions to compel, the plaintiff must first attempt to obtain the discovery pursuant to the Federal Rules of Civil Procedure.

IT IS ORDERED that the Motion is DENIED.

Dated August 25, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge