

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

Civil Action No. 08-cv-00411-PAB-BNB

JAMES SCOTT DALY,

Plaintiff,

v.

R. WILEY, Warden,
BAUER, Captain, Health Services Administrator, and
S. NAFZIGER, M.D., Clinical Director,

Defendants.

ORDER

This matter is before me on the following motions:

1. The plaintiff's **Motion to Compel** [Doc. #49, filed 5/14/09] (the "Motion to Compel"); and
2. The **Defendants' Motion for Extension of Time to Respond to Two Requests for Production** [Doc. #53, filed 6/1/09] (the "Motion for Extension").

The plaintiff's Motion to Compel is DENIED, and the defendants' Motion for Extension is GRANTED.

The plaintiff served the defendants with his first set of interrogatories and requests for production of documents on February 17, 2009. The defendants served their responses on March 13, 2009. *Opposition to Plaintiff's Motion to Compel* (the "Response"), Ex. F, ¶ 3. The plaintiff complains that the defendants' responses to Interrogatories No. 4, 14, 17, 19, and 23, and Requests for Production Nos. 2 and 4 are inadequate. I have reviewed the interrogatories and

requests for production. I find that they are overbroad, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Issues regarding treatment in other cases are not relevant to the plaintiff's treatment here. The Motion to Compel is DENIED insofar as it seeks to compel additional responses from the defendants.¹

The plaintiff served the defendants with additional requests for production of documents on March 19, 2009. *Motion*, p. 2. He asserts that the defendants did not respond to the additional requests. *Id.* The defendants state that the plaintiff's second requests were inadvertently misfiled and that they have now served the plaintiff with their responses to the requests. *Response*, Ex. B, ¶¶ 8-12; *Motion for Extension*, Ex. B, ¶ 12. They request an extension of time to accommodate their late-served responses. The defendants' Motion for Extension is GRANTED, and the plaintiff's request to compel responses to his second requests for production of documents is DENIED AS MOOT.

On April 9, 2009, the plaintiff served on the defendants his requests for admissions. *Motion*, p. 2. He asserts that the defendants failed to respond to the requests, and he requests that they be deemed admitted pursuant to Rule 36(a), Fed.R.Civ.P. *Id.* However, the defendants served their responses on May 7, 2009. *Response*, Ex. F, ¶ 4. The plaintiff's Motion to Compel is DENIED regarding the requests for admissions .

IT IS ORDERED that the plaintiff's Motion to Compel is DENIED.

IT IS FURTHER ORDERED that the defendants' Motion for Extension is GRANTED.

¹Because I find that the interrogatories and requests for production are overbroad, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, I do not reach the defendants' remaining arguments.

Dated June 11, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge