

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 arises on the following motions (the “Motions”) filed by the plaintiff:

1. **Motion in Limine** [Doc. #74, filed 08/13/2009], and
2. **Request That Court, on its Own Motion, Call Witnesses to Attend Trial** [Doc. #77, filed 08/17/2009].

The plaintiff requests that the court exclude evidence at trial regarding his prior criminal history. He further requests that the court subpoena several witnesses for trial.

The Motions are premature. Cross-motions for summary judgment are pending, and the case has not yet been set for trial. If the case survives summary judgment, the plaintiff may reassert his Motions after the trial date is set.

IT IS ORDERED that the Motions are DENIED WITHOUT PREJUDICE.

Dated August 19, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge