

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 08-cv-00487-WYD-KMT

FTR

Date: November 04, 2009

Debra Brown, Deputy Clerk

DERRICK L. ARANDA

Pro se (Telephone)

Plaintiffs.

v.

LT. M. McCORMAC, et al.

Christopher Alber

Defendants.

COURTROOM MINUTES / MINUTE ORDER

MOTION HEARING

Court in Session: 9:02 a.m.

Court calls case. Appearance by plaintiff, pro se by telephone and of Counsel.

Plaintiff's MOTION for Order to Compel Discovery re: Request for Production of Documents Nos. 1, 4, 13, 15, 18, 19, 20 and 21. [Document #78, filed September 10, 2009] at issue:

MOTION for Order to Compel Discovery re: Request for Production of Documents Nos. 1, 4, 13, 15, 18, 19, 20 and 21 is **GRANTED IN PART AND DENIED IN PART as follows:**

With respect to Request for Production of Document No. 1 the Motion to Compel is **moot and deemed withdrawn.**

With respect to Request for Production of Document No. 4 ruling on the Motion to Compel is **held in abeyance** pending review and ruling of Defendant's Exhibit "A" filed for "in camera" review.

With respect to Request for Production of Document No. 13 the Motion to Compel is **granted** only to the extent Defendant's Exhibit "B" explains further there are no documents which are responsive to this request.

With respect to Request for Production of Document No. 15 the Motion to Compel is **granted** only to the extent that Mr. Alber agrees to inquire as to the existence of recorded interviews of the Plaintiff taken at Kit Carson correctional Facility regarding plaintiff's issues as to segregation. These tapes may have been forwarded to Offender Services. Defendant will supplement their response to Request No. 15 on or before November 20, 2009, if possible, but not later than November 30, 2009.

With respect to Request for Production of Document No. 18 ruling on the Motion to Compel is **held in abeyance** pending review and ruling of Defendant's Exhibit "A" filed for "in camera" review.

With respect to Request for Production of Document No. 19 the Motion to Compel is **granted** to the extent that Mr. Abler will attempt to locate any incident report regarding Plaintiff at Limon in 2001 on or before November 20, 2009 but not later than November 30, 2009.

With respect to Request for Production of Document No. 20 the Motion to Compel is **denied**.

With respect to Request for Production of Document No. 21 the Motion to Compel is **denied**.

Court in recess: 10:01 a.m.

Total In-Court Time 0:59; hearing concluded.

*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.