

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

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

DERRICK L. ARANDA, #99396,

Plaintiff,

v.

L.T. MCCORMAC,  
L.T. STRODE,  
SGT. P. ADERSON, and  
LENORD VIGIL,

Defendants.

---

**ORDER DENYING RELEASE OF INFORMATION**

---

Plaintiff's "Motion for an Order Compelling Discovery" [Doc. No. 78] came before this court for hearing on November 4, 2009. [Doc. No. 96]. Counsel for Defendants presented Exhibit A to the court with the argument that the Exhibit did not constitute relevant evidence and was not responsive to any of the Plaintiff's requests for production of documents. The court accepted Exhibit A for *in camera* review.<sup>1</sup>

Upon review and examination, the Court finds that Exhibit A is not relevant to the issues in this case and that it is not responsive to Plaintiff's Requests for Production of Documents numbers 4 and/or 18. Exhibit A generally concerns procedures to be utilized by Department of

---

<sup>1</sup> Exhibit A is attached to the minutes of the November 4, 2009 hearing as Doc. No. 96-2.

Corrections personnel in the event of a report of an imminent and immediate threat to an inmate from another inmate. It does not address or concern long term custody separation issues as are presented in the instant case. Although the scope of relevance for purposes of discovery is broad, discoverable evidence nevertheless must be “relevant to any party's claim or defense” or “appear reasonably calculated to lead to the discovery of admissible evidence.” Fed. R. Civ. P 26(b)(1). Exhibit A is neither.

Further, Exhibit A contains information about security procedures implemented by the Department of Corrections which are protected by Colo. Rev. Stat. § 24-72-305(5).

For the foregoing reasons, therefore, it is **ORDERED**

Exhibit A shall not be produced in discovery to the Plaintiff. Exhibit A shall remain sealed until further order of the court.

Dated this 5th day of November, 2009.

**BY THE COURT:**



---

Kathleen M. Tafoya  
United States Magistrate Judge