

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
MAGISTRATE JUDGE MICHAEL E. HEGARTY

Civil Action No. 08-cv-00649-LTB-MEH
Courtroom Deputy: Cathy Coomes

Date: September 1, 2009
FTR – Courtroom C203

DAVID EARL ANTELOPE,

Pro Se (by telephone)

Plaintiff,

v.

DR. KELLAR and
UNITED STATES OF AMERICA,

Marcy Cook

Defendant.

COURTROOM MINUTES/MINUTE ORDER

TELEPHONIC SCHEDULING/STATUS CONFERENCE

Court in session: 9:25 a.m.

Court calls case. Appearances of *pro se* Plaintiff by telephone and counsel.

Discussion regarding what, if any, discovery is needed. Plaintiff states that he has not yet received his legal materials from the previous facility.

ORDERED: The United States will deliver Plaintiff's legal materials to him on or before **September 15, 2009**, so that Plaintiff can submit his written discovery to Defendants.

Interrogatories, Requests for Production of Documents, and Requests for Admissions due by November 15, 2009.

Discovery Cut off: January 4, 2010

Dispositive Motions: February 4, 2010

Each side will be allowed 25 interrogatories, 25 Requests for Production of Documents, and 25 Requests for Admissions.

Final Pretrial Conference: April 5, 2010, at 9:30 a.m. Plaintiff shall participate by telephone. Plaintiff and his case manager, or a representative from the facility, shall contact this chambers at (303)844-4507 at the time of the hearing in order to participate. In addition to filing a PDF copy with the Clerk of the Court, counsel should **e-mail** the proposed Final Pretrial Order in **Word or WordPerfect format** to Magistrate Judge Hegarty's chamber's email account at Hegarty_Chambers@cod.uscourts.gov **March 29, 2010.**

The facility's unit manager provides the Court with Plaintiff's current mailing address, which is **FCI – Victorville 1, P.O. Box 5300, Adelanto, CA 92301**. Plaintiff is reminded to file a Notice of Change of Address with the Court and Defendants' counsel each time he is transferred to another facility.

Discussion regarding Plaintiff's Motion to Denial of Due Process (Doc. #122, filed 8/25/09).

ORDERED: Plaintiff's Motion to Denial of Due Process (Doc. #122, filed 8/25/09) is GRANTED in part and DENIED in part. It is granted to the extent that the USA will deliver Plaintiff's legal materials by September 15, 2009; and denied in any other respect as moot or otherwise denied on the merits.

Discussion regarding the Plaintiff's pending appeal in the Tenth Circuit and the issue of concurrent jurisdiction. Ms. Cook is granted leave to file an appropriate motion addressing the issue.

Court in recess: 9:42 a.m. (Hearing concluded).
Total time in Court: 0:17