

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-00737-MSK-KLM

KEITH PARKER,

Plaintiff,

v.

ARISTEDES W. ZAVARAS,  
PAUL HOLLENBECK  
MR. ARELLANO,  
CAPTAIN HALL,  
DONNA WEBSTER  
M. MCCORMICK,  
LT. PIPER, and  
COLORADO DEPARTMENT OF CORRECTIONS

Defendants.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Plaintiff's **Motion to Grant Subpoena's [sic] for Plaintiff's Files and Administrative Hearing Disk** [Docket No. 388; Filed April 1, 2010] ("Motion No. 388") and Plaintiff's **Motion [sic] Plaintiff Request Exhibits Back** [Docket No. 389; Filed April 1, 2010] ("Motion No. 389").

IT IS HEREBY **ORDERED** that Motion No. 388 is **DENIED**. Plaintiff requests that the Court issue subpoenas requiring the production of Plaintiff's "Security Threat Group File" and the "Administrative Segregation hearing disk dated November 24, 2008." Plaintiff contends that this discovery is necessary to defend his claims and that he was improperly denied the opportunity to present this discovery in conjunction with the motions ruled on in two of the Court's recent orders [Docket Nos. 379 & 380].

Discovery in this matter closed on January 15, 2010, and the requests in the instant Motion are untimely. Plaintiff already requested that the Court order Defendants to produce the disk of the November 24, 2008 hearing [Docket No. 334; Filed February 23, 2010] so that he could present it as evidence at the hearing on his Motion for Preliminary Injunction, held March 1, 2010. The Court denied that motion [Docket No. 338].

Moreover, the Court has considered Plaintiff's request for his "Security Threat Group File" on multiple occasions. Plaintiff's Motion to Compel [Docket No. 304; Filed December 14, 2009] was denied as to these materials [Docket No. 315], and he asked for reconsideration of that request in his Motion [sic] Failure to Make Disclosures or to Cooperate in Discovery Sanctions Rule 37 [Docket No. 327; Filed February 16, 2010], which this Court denied [Docket No. 346]. Plaintiff then filed a motion, similar to the instant Motion, in which he requested that the Court issue a subpoena for the file [Docket No. 340; Filed March 2, 2010], and the Court denied that Motion as well [Docket No. 344].

However, Defendants have failed to comply with the Court's order of March 4, 2010 [Docket No. 344]. The Court directed that on or before March 12, 2010, Defendants were to file a certificate of compliance with the Court's order of January 28, 2010 [Docket No. 315] regarding *in camera* production of the previously-compelled documents or disclosure to Plaintiff that no such documents exist. Accordingly,

IT IS FURTHER **ORDERED** that Defendants shall comply with the Court's order of March 4, 2010 [Docket No. 344] on or before **April 9, 2010**.

IT IS FURTHER **ORDERED** that Motion No. 389 is **GRANTED**. The Clerk is directed to print out a copy of Plaintiff's Motion for Summary Judgment [Docket No. 341]

and its attachments and mail the documents to Plaintiff.

Dated: April 6, 2010