

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02821-WYD-MJW

ROBERT R. ROGERS,

Plaintiff,

v.

ARISTEDES ZAVARAS, et al.,

Defendant.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that plaintiff's Motion to Preserve Evidence (**Docket No. 32**) is **denied**. As noted by defendants in their response (Docket No. 51), plaintiff's motion is not directed toward any of the defendants but to a non-party, the Colorado Department of Corrections. Furthermore, none of the individually-named defendants are apparently custodians of the things that plaintiff wishes to have preserved. The court notes, however, that defense counsel stated his willingness to forward plaintiff's motion to appropriate personnel in the Colorado Department of Corrections to see whether the items plaintiff wishes to be preserved in fact exist and whether the same can be preserved. Based upon this representation, it is hereby

ORDERED that defense counsel, Mr. Farry, shall forward plaintiff's Motion to Preserve Evidence (Docket No. 32) to appropriate personnel within the Colorado Department of Corrections and on or before June 15, 2009, Mr. Farry shall report back to the court whether the Colorado Department of Corrections has responded as to whether such items plaintiff wishes to preserve in fact exist and whether the Colorado Department of Corrections will preserve the same. It is further

ORDERED that the plaintiff's Motion Requesting Case be Moved to Expedited Docket (**Docket No. 30**) is **denied**. The court does not have an expedited docket per se. Nevertheless, the court finds no basis for moving forward with this case any differently than it would in the normal course.

Date: May 20, 2009
