

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

Civil Action No. 09-cv-00654-WYD-KMT

FTR - Courtroom C-201

Date: July 13, 2010

Deputy Clerk, Nel Steffens

ROBERT JAMES MERCER,

Pro Se

Plaintiff,

v.

ROBERT PETERSON, and
MICHAEL MOORE, in their individual and official
capacities, and
WILLIAM FRANGIS,
ELBERT COUNTY SHERIFF'S DEPARTMENT;
AND COUNTY OF ELBERT, COLORADO in their
Official capacities,

Melanie Bailey Lewis

Defendants.

COURTROOM MINUTES / MINUTE ORDER

HEARING: Motion Hearing on Motion to Compel, #51

Court in session: : 11:11 a.m.

Court calls case. Appearance of counsel. *Pro Se* plaintiff is not present.

Court notes that this matter was set to commence at 10:30 a.m. Plaintiff is not present, could not be reached by phone, and has not contacted the court.

Discussion regarding signed releases.

Court's findings and conclusions.

IT IS ORDERED as follows:

1. That the **Defendants' Renewed Motion To Compel Discovery and To Modify Discovery Deadlines** [#51] filed May 24, 2010, is **GRANTED** to the extent that it seeks to compel discovery. The remainder of the motion is **TAKEN UNDER ADVISEMENT**;

2. That sanctions are imposed on the plaintiff under Fed.R.Civ.P. 37; costs of bringing this motion, including attorney fees, are awarded against the plaintiff, Mr. Mercer, in favor of the defendants.

Court will issue an Order to Show Cause against the plaintiff for his failure to appear at today's hearing and his failure to comply with the request for discovery with which he previously indicated he would comply.

IT IS FURTHER ORDERED as follows:

3. That within ten (10) days of today's date, defendants shall file their bill of costs associated with the award of costs under Rule 37;

4. That a Show Cause Hearing is set for **July 29, 2010, at 9:00 a.m.**, at which counsel and the plaintiff shall appear without further notice or order.

Court in Recess: : 11:21 a.m.

Total In-Court Time: 00:10

Hearing concluded.

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