

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 09-cv-00689-PAB-BNB

JEFFREY MARK ZARING

Applicant,

v.

R. WILEY, Warden, Federal Prisoner Camp, Florence,

Respondent.

ORDER

This matter arises on **Respondent's Motion for Entry of Protective Order** [Doc. # 18, filed 09/11/2009] (the "Motion"). The Motion is GRANTED.

The applicant filed an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 [Doc. #1, filed 03/27/2009] (the "Application"). He has served on the respondent numerous discovery requests. *Motion*, Ex. A-1. The respondent seeks a protective order preventing the applicant from conducting discovery because he did not obtain leave of court prior to serving his discovery requests.

The rules governing habeas corpus applications provide that "[a] judge may, for good cause, authorize a party to conduct discovery under the Federal Rules of Civil Procedure and may limit the extent of discovery." *Rules Governing Section 2254 Cases in the United States District Courts*, Rule 6(a); Rule 1(b) (providing that the district court may apply these rules to an application filed under 28 U.S.C. § 2241). "A party requesting discovery must provide reasons for the request. The request must also include any proposed interrogatories and requests for

admission, and must specify requested documents.” Id. at Rule 6(b).

The applicant has not sought leave of court to conduct discovery. Accordingly, the respondent is not obligated to serve responses to his discovery requests.

IT IS ORDERED that the Motion is GRANTED, and the discovery shall not be had.

Dated September 16, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge