

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

Civil Action No. 09-cv-01172-CMA-KMT

RODNEY STANTON,

Plaintiff,

v.

SERGEANT R. ROMERO,
D/S PETRANILLI,
D/S HERRERA,
TONY HARRISON, Food Services Supervisor,
HAYES, Food Service Employee,
CHAPLAIN SCOTT,
D/S BOYD, and
D/S ADDISON,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

Plaintiff's "Motion for Order to Produce Evidentiary Documents" (#35, filed August 7, 2009) is DENIED as premature, as a scheduling order is not in place and discovery has yet to begin in this matter. When a discovery schedule is set, such requests for production must be addressed to the Defendants, pursuant to Federal Rules of Civil Procedure 33, 34, and 36.

Furthermore, Plaintiff failed to confer with Defendants before filing the present motion. The Tenth Circuit has cautioned that *pro se* litigants "must follow the same rules of procedure that govern other litigants." *Green v. Dorrell*, 969 F.2d 915, 917 (10th Cir. 1992) ("[W]e have repeatedly upheld dismissals in situations where the parties themselves neglected their cases or refused to obey court orders." (citing cases)). The Local Rules of Practice for the District of Colorado require all parties to confer on motions and other disputes before a motion is filed. D.C.Colo.LCivR 7.1A; *see also Visor v. Sprint*, 1997 WL 796989 (D. Colo. 1997). The court

reminds Plaintiff of the duty to confer and cautions that future motions filed without conferring may be stricken.

Dated: August 11, 2009