

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01501-PAB-KLM

CARLO CELANI,

Plaintiff,

v.

MARK EHRLE, Aurora Police Dept.,
ADAM NEUMEYER, Aurora Police Dept., and
JOHN DOES 1-5, Aurora Police Dept.,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion to Compel Discovery** [Docket No. 64; Filed July 19, 2010] (the "Motion"). Pursuant to the Motion, Plaintiff seeks an order compelling Defendants to respond to very broad document requests set forth therein. Defendants filed a response in opposition to the Motion on August 4, 2010 [Docket No. 66] and informed the Court that Plaintiff had never propounded the discovery requests at issue on Defendants. As counsel are officers of the Court, I accept their contention as true that they did not receive the present discovery requests from Plaintiff prior to receipt of the Motion. Moreover, Defendants argue that to the extent that Plaintiff intended his Motion to accomplish service of such discovery requests upon Defendants, the Motion is untimely in that the discovery deadline expired on June 30, 2010. I agree. Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **DENIED**. As Plaintiff was informed at his preliminary scheduling conference and via the *pro se* letter discussed at that conference and provided to Plaintiff [Docket Nos. 35 & 35-1], discovery requests are not to be filed with the Court. Rather, they are to be sent to the other party. Given that Plaintiff was advised of this process, his attempt to use a motion to compel Defendants to provide discovery is unauthorized and inappropriate. Further, given that the discovery deadline expired prior to Plaintiff propounding his discovery requests, the Motion is untimely. To the extent that Plaintiff seeks to obtain discovery at this late stage in the case, he must seek leave of the Court to do so. Leave will only be given if Plaintiff files a motion requesting that the discovery deadline be extended and providing good cause for Plaintiff's failure to meet the previous deadline.

Dated: August 5, 2010