

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02204-PAB-MJW

DAVID LENTON WARD,

Plaintiff(s),

v.

CRAIG HOYER, (KUBAT EQUIPMENT AND SERVICE COMPANY),

Defendant(s).

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that Plaintiff's Motion to Compel (docket no. 61) is **DENIED** for the reasons below and that each party shall pay their own attorney fees and costs for this motion.

This court finds that the Plaintiff has failed to comply with D.C.COLO.LCivR 7.1 A. Pro Se litigants must "comply with the fundamental requirements of the Federal Rules of Civil and Appellate Procedure." **Odgen v. San Juan County, 32 F.3d 452, 455 (10th Cir. 1994); Hickey v. (NFN) Van Austin et al., 1999 CJC.AR 5979.**

The fact that a party is appearing pro se does not relieve that individual from the obligation of complying with all applicable rules of the court. **Colorado v. Carter, 678 F. Supp. 1484, 1490 (D. Colo. 1986); Hall v. Doering, 997 F. Supp. 1464, 1468 (D. Kan. 1998)** (pro se plaintiffs are held to the same rules of procedure which apply to other litigants).

It is not the proper function of the District Court to assume the role of advocate for the pro se litigant. **Gibson v. City of Cripple Creek, 48 F 3d 1231, (10th Cir. 1995).**

The court further finds that the Defendant has provided the discovery requested in the subject motion (docket no.61) to Plaintiff. See exhibits 2 and 3 attached to Defendant's response (docket no. 73).

Date: February 3, 2010
