

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02328-WYD-KLM

WELLMAN GIBSON,

Plaintiff,

v.

ARISTEDES W. ZAVARAS, et al.,
SGT. VERENA PACHECO, and
WARDEN HARTLEY,

Defendant(s).

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion Requesting AVCF Be Ordered to Save Security Video from Both Dining Halls for the Date 11/26/09** [Docket No. 39; December 4, 2009] (the "Motion"). Plaintiff, proceeding *pro se*, is currently incarcerated at the Arkansas Valley Correctional Facility ("AVCF") in Crowley, Colorado. In his Complaint, Plaintiff alleges that the Defendants denied him (1) a Kosher diet; (2) an appropriate area to conduct Jewish services; (3) the right to practice his religious customs; and (4) access to a Jewish television station. He brings his claims pursuant to 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. §§ 2000cc-1. *Complaint* [#3]. Defendants are employed by the Colorado Department of Corrections ("CDOC").

Plaintiff alleges that 90 percent of the inmates at the AVCF who receive kosher

meals are “dietary Jews,” which he defines as non-Jews who only “signed-up” so that they could receive kosher meals. In the Motion, Plaintiff asserts that the security tapes will show that on Thanksgiving Day, November 26, 2009, “all the dietary Jews were given permission by the kitchen staff and security assigned to the chow hall, to eat regular mainline trays because of the special meals being served.”

It is unclear how the security tapes could be relevant evidence. Plaintiff seems to be asserting that the tapes will identify the “dietary Jews.” Plaintiff has not explained in a clear way how this information will support his claims. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#39] is **DENIED**.

Dated: January 27, 2010

BY THE COURT:
s/ Kristen L. Mix
U.S. Magistrate Judge
Kristen L. Mix