

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00357-CMA-MEH

MARCO A. ROCHA,

Plaintiff,

v.

S. TWILLEGGER, individual capacity,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on September 21, 2011.

Plaintiff's Motion on Previous Motion to Compel [filed September 20, 2011; docket #112] is **denied as moot**. Plaintiff's "Motion" seeks no relief from the Court; rather, Plaintiff simply re-submits a request for production as an interrogatory in response to his interpretation of this Court's September 12, 2011 order. However, the order directs the Plaintiff to "submit a rewritten version of RFP No. 4 as an interrogatory as set forth herein *to Defendant.*" See docket #108 at 6 (emphasis added).

Pursuant to Fed. R. Civ. P. 5(d)(1), interrogatories "must not be filed [with the court] until they are used in the proceeding or the court orders filing[.]" Rather, as set forth in the September 12, 2011 order, any discovery requests, including interrogatories, are to be submitted directly to the opposing party.