

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

Civil Action No. 10-cv-02022-WYD-KMT

WYATT T. HANDY JR.,

Plaintiff,

v.

CHIEF DIGGINS, individual & official capacity,  
MAJOR V. CONNORS, individual & official capacity,  
CHAPLAIN SCOTT, individual & official capacity,  
MR. BURRIS, individual & official capacity, and  
PANEL OF ISLAMIC CLERICS, individual & official capacity

Defendants.

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**ORDER**

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This matter is before the court on Plaintiff's "Motion for an Order Compelling Discovery." (Doc. No. 188, filed June 15, 2012 [Mot.]) Plaintiff seeks an order compelling the Panel of Islamic Clerics to respond to Plaintiff's First Set of Interrogatories. (Mot, Ex. A.)

Plaintiff's Motion is denied without prejudice. Federal Rule of Civil Procedure 33 provides that interrogatories may only be served on a party. *See* Fed. R. Civ. P. 33(a)(1). The Panel of Islamic Clerics has not been served with Plaintiff's Third Amended Complaint and therefore is not a party to this action. *Loans Ins. Corp. v. Tullos-Pierremont*, 894 F.2d 1469, 1475 (5th Cir. 1990) (the term parties is used to designate only those who are named as such in the record and have properly been served with process or entered an appearance). Accordingly,

Plaintiff's attempt to serve interrogatories on the Panel of Islamic Clerics was not proper and, as a consequence, the court cannot compel the Panel of Islamic Clerics to respond to Plaintiff's interrogatories.

Therefore, it is

ORDERED that Plaintiff's "Motion for an Order Compelling Discovery" (Doc. No. 188) is DENIED without prejudice.

Dated this 16th day of July, 2012.

**BY THE COURT:**



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Kathleen M. Tafoya  
United States Magistrate Judge