

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,
MAJOR V. CONNORS, and
CHAPLAIN SCOTT,

Defendants.

ORDER

This matter is before the court on Plaintiff's "Motion and Affidavit for Order Compelling Sgt. Doizaki to Return Plaintiff's Legal Work and to Allow Plaintiff to Have Forthcoming Discovery in this Case" (Doc. No. 76, filed June 14, 2011) and "Motion for Court Ordered Free Legal Phone Calls" (Doc. No. 80, filed June 28, 2011). Defendants filed their responses on June 27, 2011 (Doc. No. 79) and July 12, 2011 (Doc. No. 85).

Plaintiff, who is housed in the Arapahoe County Detention Facility, seeks an order from this court requiring Arapahoe County Jail officials to return legal work they allegedly confiscated from Plaintiff and to allow Plaintiff to receive discovery he anticipates being sent to him in the mail and that he anticipates jail officials will confiscate. (*See* Doc. No. 76.) Plaintiff also seeks an order to allow him to make free legal telephone calls. (Doc. No. 80.)

The court notes that the defendants sued in this action are employees of the Denver Sheriff Department (*see* Doc. 3 at 2), a separate and distinct legal entity from the Arapahoe County Detention Facility. This court has no jurisdiction over the Arapahoe County Detention Facility or its employees, which are not defendants in this action.¹ Moreover, this court declines to interfere in the day-to-day activities of prison administration.

Accordingly, Plaintiff's "Motion and Affidavit for Order Compelling Sgt. Doizaki to Return Plaintiff's Legal Work and to Allow Plaintiff to Have Forthcoming Discovery in this Case" (Doc. No. 76) and "Motion for Court Ordered Free Legal Phone Calls" (Doc. No. 80) are DENIED.

Dated this 18th day of July, 2011.

BY THE COURT:



Kathleen M Tafoya
United States Magistrate Judge

¹The court notes Plaintiff has filed a similar motion for jail officials to return his legal materials in Civil Action No. 11-cv-00581-WYD-KMT. (*See* Doc. No. 37 of 11-cv-00581.) In that case, the named defendants are employees of the Arapahoe County Detention Facility. As such, Plaintiff's motion is more properly addressed in Civil Action No. 11-cv-00581.