

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02207-CMA-MJW

SHAWN D. ALLEN,

Plaintiff,

v.

N. ALLEN,
C. FLORY,
A. COSNER,
K. NORDELL,
A. MEDINA,
K. SOKOL, and
C. TUTTLE,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that the Plaintiff's Motion to Compel Discovery (Docket No. 98) is denied.

Plaintiff complains that "Defendants responded to the vast majority of productions request by simply objecting." (Docket No. 98 at 1). A review of the defendants' discovery responses, however, shows that while objections were stated regarding each discovery demand, for many of the demands, answers and documents were, in fact, provided without waiving such objections.

Furthermore, Plaintiff makes blanket arguments regarding all of the discovery sought and not obtained and does not specify how each response is insufficient. For this reason alone, the motion should be denied. "[W]hen the request is overly broad on its face or when relevancy is not readily apparent, the party seeking the discovery has the burden to show the relevancy of the request." Abiakam v. Qwest Corp., 2011 WL 4916304, at *2 (D. Colo. Oct. 17, 2011) (quoting Owens v. Sprint/United Management Co., 221 F.R.D. 649, 652 (D. Kan. 2004)). Here, plaintiff does not discuss the relevance of the requested information to his claim here other than saying "the requested information is relevant to the subject matter of this case. In this action I raised claims that go to the defendants state of mind." In addition, he makes a further conclusory statement that his litigation will be severely prejudiced without the requested documents and responses. Without any specificity, he has not met his burden.

Finally, defendants need not produce documents that plaintiff can obtain himself from his own inmate file in accordance with the Administrative Regulations.

Date: December 21, 2011
