

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02376-MSK-KLM

RALPH GAMBINA,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, sued in its official capacity;

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion to Compel Response to Plaintiff's Amended Interrogatory No. 8 and to Compel Entry Pursuant to Plaintiff's Notice of Inspection USP Florence ADMAX** [Docket No. 104; Filed July 10, 2012] (the "Motion to Compel") and on Plaintiff's **Request for Clarification by Plaintiff** [Docket No. 139; Filed November 26, 2012] (the "Motion to Clarify").

IT IS HEREBY **ORDERED** that the Motion to Clarify [#139] is **GRANTED** as follows: Plaintiff seeks clarification of the Notice of Withdrawal of Counsel and Removal of Counsel from Service List [Docket No. 107; Filed July 31, 2012] (the "Motion") filed by counsel for Plaintiff, Attorney Marisa B. Hudson-Arney ("Hudson-Arney"). The Court relieved Attorney Hudson-Arney of any further representation of Plaintiff in this case in a Minute Order dated October 9, 2012 [#120]. Plaintiff states that he does not recall filing any Motion to Withdraw as Attorney. [#139]. That motion was filed by his counsel before he voluntarily released Attorney Hudson-Arney and the rest of his counsel from representing him. See [#116-1]. Plaintiff shall continue to represent himself in this matter as a *pro se* litigant.

The Motion to Compel [#104] was filed on July 10, 2012, when Plaintiff remained represented by counsel. It seeks two forms of relief. First, it seeks to compel a response to Plaintiff's Amended Interrogatory No. 8, which states, in part:

Identify any occasion where an inmate with a similar criminal history to the Plaintiff has been transferred out of ADX without first having completed the Step-Down program, including the circumstances surrounding each such decision, in the last 7 years.

Motion to Compel [#104] at 3. Second, the Motion to Compel seeks permission to inspect USP Florence ADMAX by Plaintiff's representatives in order to photograph the prison facilities as relates to the subject matter of this action. *Id.* In part, Defendant BOP objects on the basis that photographing ADX facilities would violation BOP regulations. *Id.*

IT IS HEREBY **ORDERED** that **on or before January 2, 2013** Plaintiff shall file a Supplement to Motion to Compel [#104]. In the Supplement, Plaintiff shall state: (1) whether he renews his request to compel a response to Amended Interrogatory No. 8; (2) whether he renews his request to compel inspection of USP Florence ADMAX; and (3) if he renews his request to compel inspection of USP Florence ADMAX, the name, address, and telephone number of the person who will take the requested photographs of the prison facilities, should the Motion to Compel be granted. **Failure to respond to this Minute Order or failure to comply with the instructions herein will result in the denial of the Motion to Compel. Absent a showing of exceptional circumstances, no request for an extension of time will be granted.**

IT IS FURTHER **ORDERED** that Defendant shall have seven (7) days from entry on the electronic docket of Plaintiff's Supplement to Motion to Compel in which to file a supplement to their pending Response [#108].

Dated: December 3, 2012