

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02669-WYD-MEH

STEVEN DOUGLAS GREEN,

Plaintiff,

v.

DARRELL SNYDER,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on June 26, 2012.

Pending before the Court is Plaintiff's Petition Pursuant to Fed. R. Civ. P. 27 [filed June 20, 2012; docket #218]. Through his Petition, Plaintiff seeks to obtain written discovery from Investigator Larry Graham regarding the missing Step 2 grievance against Wendy Brown.

Though Plaintiff brings his Petition pursuant to Fed. R. Civ. P. 27, Rule 27 is not applicable under these circumstances. Rule 27 allows a person to perpetuate testimony before an action is filed (Fed. R. Civ. P. 27(a)) and after a judgment has been entered (Fed. R. Civ. P. 27(b)). A court may also entertain a separate action to perpetuate testimony independently of other proceedings. *See* Fed. R. Civ. P. 27(c). However, Rule 27 is not the proper mechanism for obtaining discovery within a pending lawsuit.

In this case, the discovery deadline of February 1, 2012 has long passed. (*See* docket #143.) Plaintiff himself concedes the closure of discovery in the Proposed Final Pretrial Order he submitted to the Court on May 8, 2012. (Docket #205, 4.) Because Plaintiff has not provided the Court with any reason why he was unable to obtain the information he now seeks during the discovery period, the Court does not find good cause to reopen discovery almost two months after the Final Pretrial Conference. (*See* docket #203). Accordingly, Plaintiff's Petition is **denied**.