

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 July 10, 2012.

Pending before the Court is Plaintiff's Request By Motion - Pursuant to Fed. R. Civ. P. 56 (f) [[filed July 6, 2012; docket #221](#)]. Plaintiff's Motion seeks a Court order directing prison officials to make Investigator Larry K. Graham available by telephone for an interview. In addition, Plaintiff asks the Court to delay ruling on Defendant's summary judgment motion so that Plaintiff may collect and presumably submit evidenced gathered through the interview.

Absent a proper subpoena, the Court cannot compel the officials of Sterling Correctional Facility or Mr. Graham to participate in the discovery process because they are not parties to this lawsuit. More importantly, the Court reiterates that the discovery deadline has long passed, and Plaintiff has provided no reason why he was unable to obtain the information he now seeks during the discovery period. (*See* dockets ##221, 143.) To that extent, Plaintiff's Motion is **denied**. Because Defendant's summary judgment motion is no longer before this Court, the Court is unable to rule on Plaintiff's request for delayed adjudication.

Finally, the Court reminds Plaintiff of his continuing obligation to comply with Fed. R. Civ. P. 5(a)(1)(D) and D.C. Colo. LCivR 5.1G. Rule 5(a)(1)(D) requires that a written motion filed with the Court must be served on every party. Local Rule 5.1G requires, in pertinent part, that "[e]ach paper, other than one filed ex parte, shall be accompanied by a certificate of service indicating the date it was served, the name and address of the person to whom it was sent, and the manner of service." Plaintiff's Motion contains no such certificate.