

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-01149-CMA-BNB

JOSEPH SCOTT CARTER,

Plaintiff,

v.

DOCTOR SHARON ALLEN, M.D.,

Defendant.

ORDER

This matter arises on the plaintiff's **Motion for Subpoena of Documents** [Doc. #12, filed 06/06/2011] (the "Motion"). The plaintiff requests that the court issue a subpoena to the Colorado Mental Health Institute at Pueblo ("CMHIP") for all of his medical records.

The plaintiff states that the defendant is employed by CMHIP. The court has recently issued an order directing the United States Marshal to serve the defendant [Doc. #16]. A Scheduling Conference has not been held, and discovery has not yet commenced. Upon commencement of discovery, the plaintiff may be able to obtain from the defendant the records he seeks. Accordingly,

IT IS ORDERED that the Motion is DENIED WITHOUT PREJUDICE as premature.

Dated June 15, 2011.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge