

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01150-PAB-CBS

RICHARD S. MCINTOSH,
Plaintiff,

v.

HARLEY G. LAPPIN, Individually, and In His Official Capacity as Director,
JOYCE CONLEY, Individually, and In Her Official Capacity as Assistant Director,
MICHAEL K. NALLEY, Individually, and In His Official Capacity as Regional Director,
RONNIE WILEY, Individually, and In His Official Capacity as Warden,
BLAKE R. DAVIS, Individually, and In His Official Capacity as Warden,
SARA M. REVELL, Individually, and In Her Official Capacity as Warden,
W.A. SHERROD, Individually, and In His Official Capacity as Warden,
RUSSELL RAY, Individually, and In His Official Capacity as Associate Warden,
KEVIN MURPHY, Individually, and In His Official Capacity as Associate Warden,
MS. NELSON, Individually, and In Her Official Capacity as Associate Warden,
E.A. STEPP, Individually, and In His Official Capacity as Warden,
MR. SPROUL, Individually, and In His Official Capacity as Unit Manager,
BUDDY ADELSBERGER, Individually, and In His Official Capacity as Unit Manager,
MS. CARNEY, Individually, and In Her Official Capacity as Unit Manager,
MS. FLUCK, Individually, and In Her Official Capacity as Case Manager,
GERALD BOZMAN, Individually, and In His Official Capacity as Case Manager,
RANDY DAVIS, Individually, and In His Official Capacity as Warden,
MARTA SANTIAGO, Individually, and In Her Official Capacity as Case Manager,
MS. KRIST, Individually, and In Her Official Capacity as S.I.A.,
MR. KRIST, Individually, and In His Official Capacity as Captain,
JOHN VANYUR, Individually, and In His Official Capacity as Assistant Director, and
OTHER PARTIES, Names Unknown, Individually and In Their Official Capacities
Relating to a "Validation" Process,
Defendants.

ORDER

Magistrate Judge Craig B. Shaffer

This civil action comes before the court on Plaintiff Mr. McIntosh's "Motion to Assign Investigator" (filed September 6, 2011) (Doc. # 49). Pursuant to the Order of Reference dated July 7, 2011 (Doc. # 12) and the memorandum dated September 6,

2011 (Doc. # 51), this matter was referred to the Magistrate Judge. The court has reviewed the Motion, the entire case file, and the applicable law and is sufficiently advised in the premises.

By an Order entered June 15, 2011 (Doc. # 9), Mr. McIntosh was granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. To date, Mr. McIntosh has not complied with the court order's allowing him to proceed *in forma pauperis* and directing him to make monthly filing fee payments. Mr. McIntosh now asks the court to "assign" investigator Mark D. Reeder to "locate the Defendants in their individual capacities and notify them" of the September 29, 2011 Preliminary Scheduling Conference and to "locate currently incarcerated prisoners and prisoners that have been released to interview and depose as witnesses for trial."

First, it is not necessary for Mr. McIntosh to obtain an investigator to "locate the Defendants in their individual capacities," as the court will explain to Mr. McIntosh at the September 29, 2011 Preliminary Scheduling Conference. Second, it is premature at this stage of the litigation for Mr. McIntosh to obtain an investigator to "locate currently incarcerated prisoners and prisoners that have been released to interview and depose as witnesses for trial," as the court will explain to Mr. McIntosh at the September 29, 2011 Preliminary Scheduling Conference. Third, the court finds no authority to appoint and pay an investigator to assist an indigent litigant in the preparation of a civil suit for damages, as the court will explain to Mr. McIntosh at the September 29, 2011 Preliminary Scheduling Conference.

Accordingly, IT IS ORDERED that Mr. McIntosh's "Motion to Assign Investigator" (filed September 6, 2011) (Doc. # 49) is DENIED.

DATED at Denver, Colorado this 7th day of September, 2011.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge