

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01372-CMA-KLM

ALEX OBANDO,

Plaintiff,

v.

ARISTEDES W. ZAVARAS, DOC Executive Director,
TOM CLEMENTS, DOC Executive Director,
SUSAN JONES, CSP Warden,
MICHELLE NYCZ, Classification Chairperson,
JAMES OLSON, Committee Chairperson,
DAN DENNIS, Committee Member, and
JOHN DOE, CSP Assistant Administrative Head,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiff's Motion to Compel "Martinez Report"** [Docket No. 21; Filed December 27, 2011] (the "Motion"). In the Motion, Plaintiff seeks a Court Order compelling Defendants to file specified documents with the Court. However, a scheduling conference has not yet occurred in this matter. Thus, requests for discovery are premature. See Fed. R. Civ. P. 26(f). Further, once the period for discovery has commenced, Plaintiff must first make such requests for discovery materials directly to Defendants. See *generally* Fed. R. Civ. P. 26.

To the extent that Plaintiff is seeking copies of documents to assist the Court in resolving the pending Motion to Dismiss [Docket No. 15; Filed November 21, 2011], the request is not appropriate. Plaintiff has already responded to the Motion to Dismiss. [Docket No. 18; Filed December 19, 2011; Docket No. 19; Filed December 27, 2011] Further, the Court has the ability to obtain appropriate documents if necessary for adjudication of the pending motion. Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **DENIED**.

Dated: January 3, 2012