

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 11-cv-01522-MSK-KMT

TIMOTHY S. TUTTAMORE,

Plaintiff,

v.

DR. ALLRED,

A. OSAGIE,

ADX WARDEN DAVIS,

M. SMITH, and

UNKNOWN UTILIZATION COMMITTEE MEMBERS, all in their official and individual capacities,

Defendants.

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**MINUTE ORDER**

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**ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA**

Plaintiff's "Motion to immediately conduct/compel a limited discovery in compliance with Rule 26, 33, and 34 Fed. R. Civ. P." (Doc. No. 11, filed July 18, 2011) is DENIED. Pursuant to Fed. R. Civ. P. 26(a)(1)(B)(iv), *pro se* actions brought by individuals in the custody of the United States, a state, or a state subdivision are a category of proceedings "exempt from initial disclosure." Fed. R. Civ. P. 26(a)(1)(B)(iv). Additionally, the local rules of this court provide that a scheduling order and orders for discovery are unnecessary in categories of proceedings listed in Fed. R. Civ. P. 26(a)(1)(B). D.C.COLO.LCivR 16.2.B.2. This court declines to allow discovery prior to the entry of a scheduling order or discovery order. A preliminary scheduling conference will be set after Defendants have answered or otherwise responded to Plaintiff's Complaint.

Dated: July 25, 2011