

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02554-RM-MEH

RONALD M. COX,

Plaintiff,

v.

ZAVISLAN, (DRDC) Warden (CDOC), and  
REAUX (DRDC) Captain (CDOC),

Defendants.

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**MINUTE ORDER**

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on January 7, 2014.**

Before the Court is Plaintiff's renewed Motion to Compel [filed January 6, 2014; docket #138]. The Court denied without prejudice Plaintiff's original motion to compel for Plaintiff's failure to attach a copy of the opponent's written response to the discovery request, which informs the Court of the request, response and any objections made. With this motion, the Plaintiff complied by filing a copy of the Defendants' response to the discovery request, which objects to producing x-ray films directly to the incarcerated Plaintiff pursuant to a prison regulation; however, Defendants inform the Plaintiff that should he "wish to have the X-rays [ ] sent to someone outside the facility, he should make that request stating the approximate dates on which the X-rays were taken." Defendants' Responses to Plaintiff's First Request for Production of Documents," docket #138-1 at 2.

The Court notes that Plaintiff's original motion to compel requests an order for the Defendants "to mail the x-ray film to the following address, Ronald Streeter, Re/To: Mr. Cox, 732 Troy Ct, Aurora, Colo, 80012." Motion to Compel Discovery, docket #135 at 2. Accordingly, it appears that Plaintiff desires to comply with the administrative regulation cited in Defendants' discovery response. However, pursuant to Fed. R. Civ. P. 37(a)(1), Plaintiff here has failed to demonstrate that he ever made such request to the Defendants or conferred, or attempted to confer, with Defendants in an effort to obtain the x-rays by request for mailing to Mr. Streeter without court action. Therefore, the motion is **denied**.