

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-03004-WJM-KLM

ANTWAN OCIE GATLIN,

Plaintiff,

v.

STEVE BROWN, SR., Investigator,
JESSICA JARAMILLO, Correctional Officer,
STEVE BROWN, JR., Assistant Warden.
CHAD PENNER, Case Manager,
CHRIS DURGA, Correctional Officer,
PAUL DOSE, Shift Supervisor,
LARRY COX, Chief of Security,
JACK CHAPMAN, Hearings Disciplinary Officer, and
ELLEN HAARMANN, Correctional Counselor,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion for Order to Compel Disclosure and/or Discovery Response and for Appropriate Sanctions Deemed Fit By the Courts** [Docket No. 118; Filed May 23, 2013] (the "Motion"). On June 13, 2013, Defendants filed a Response [#126]. Plaintiff has not filed a Reply.

First, Plaintiff seeks an order compelling initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(A). However, pursuant to Fed. R. Civ. P. 26(a)(1)(B)(iv), neither party is required to provide initial disclosures because this is "an action brought without an attorney by a person in the custody of the United States, state, or a state subdivision." Accordingly, Plaintiff's first request to compel initial disclosures and to impose sanctions is **denied**.

Second, Plaintiff seeks an order compelling production of certain other materials based on his written discovery request dated March 28, 2013, *i.e.*, Plaintiff's First Set of Requests for Production of Documents. *Motion* [#118] at 2. Defendants respond that they have served responsive documents on Plaintiff, but that they also partly objected based on "the safety, security, and right to privacy of the correctional facility employees of whom

Defendants are representatives.” *Response* [#126] at 3. They assert, and the Court agrees, that Plaintiff’s Motion [#118], while setting forth the specific requests for production that are issue, fails to provide specific objections to Defendant’s discovery responses, including why Defendants should be required to produce the information Plaintiff seeks despite their objections. *Response* [#126] at 3-4. Plaintiff chose not to file a Reply to Defendants’ Response to the present Motion in order to clarify his objections to Defendants’ discovery responses. See D.C.COLO.LCivR 7.1C. Accordingly, Plaintiff’s second request to compel production and to impose sanctions is **denied without prejudice**.

IT IS HEREBY **ORDERED** that the Motion [#118] is **DENIED in part and DENIED without prejudice in part**.

Dated: August 1, 2013