

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00609-WYD-MJW

JILL COIT,

Plaintiff,

v.

ARISTEDES ZAVARAS, Director of the Colorado Department of Corrections, et. al,
Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that the Pro Se Incarcerated Plaintiff's Motion to Change Deadline for Joinder of Parties/ Amendment to Pleading to Order Defendant to Provide Discovery [sic] (Docket No. 175) is DENIED for the following reasons. As to the relief sought in the subject motion (Docket No. 175) wherein the Pro Se Incarcerated Plaintiff is objecting to Magistrate Judge Watanabe's Order (Docket No. 160) which gave Defendants up to and including February 8, 2013 to respond to Plaintiff's First Set of Discovery Requests (Docket No. 157), I find that if the Pro Se Incarcerated Plaintiff disagreed with this Order (Docket No. 160), then she should have filed her written objection with Judge Daniel pursuant to Fed. R. Civ. P. 72, which she did not do. Moreover, as to the relief sought in the subject motion (Docket No. 175) wherein the Pro Se Incarcerated Plaintiff seeks an Order from this court to direct Defendants to respond to the Pro Se Incarcerated Plaintiff's discovery, the Pro Se Incarcerated Plaintiff has not complied with Fed. R. Civ. P. 37. The court cannot tell from this subject motion (Docket No. 175) which interrogatory, request for production of document or request for admission the Pro Se Incarcerated Plaintiff suggests Defendants have not responded to. She has not attached her interrogatories, request for production of documents or request for admissions which are in dispute in the relief sought and any responses, if any, that she has received from the Defendants to such discovery requests.

Pro Se litigants must "comply with the fundamental requirements of the Federal Rules of Civil . . . Procedure." Odgen v. San Juan County, 32 F.3d 452, 455 (10th Cir. 1994). The fact that a party is appearing pro se does not relieve that individual from the obligation of complying with all applicable rules of the court. Nielson v. Price, 17 F.3d 1276, 1277 (10th Cir. 1994) (pro se plaintiffs are held to the same rules of procedure which apply to other litigants); Hall v. Doering, 997 F. Supp. 1464, 1468 (D. Kan. 1998);

People v. Carter, 678 F. Supp. 1484, 1490 (D. Colo. 1986). It is not the proper function of the district court to assume the role of advocate for the pro se litigant. Gibson v. City of Cripple Creek, 48 F.3d 1231 (10th Cir. 1995).

It is FURTHER ORDERED that the Pro Se Incarcerated Plaintiff's Motion to Order The U.S. Marshall [sic] Service to Provide Documentation of Their Attempt to Serve Defendant Dussart (Docket No. 174) is GRANTED as follows. This court contacted the U.S. Marshal Service for the District of Colorado concerning service attempts on Defendant Dussart. The U.S. Marshal Service for the District of Colorado provided to this court a one page document which shows the attempts made to serve Defendant Dussart. This document has been previously filed with the court (Docket No. 112). The U.S. Marshal Service for the District of Colorado informed this court that this one page document is the only documentation they have concerning service attempts on Defendant Dussart. It is noted that the U.S. Marshal Service made five (5) separate attempts to serve Defendant Dussart. The court will provide to both the Pro Se Incarcerated Plaintiff as well as to the Defendants a copy of such document from the U.S. Marshal for the District of Colorado showing five (5) separate service attempts upon Defendant Dussart.

It is FURTHER ORDERED that the Pro Se Incarcerated Plaintiff's Motion to Add Excerpts into Court of Defendant's Production of Narrative Under Discovery [sic] (Docket No. 176) is DENIED for the following reasons. In essence, the Pro Se Incarcerated Plaintiff is attempting to introduce excerpts of this narrative into the record of court proceedings as some proof of her claims brought in her Amended Prisoner Complaint (Docket No. 20). The Pro Se Incarcerated Plaintiff cites no legal authority to support the relief sought. Moreover, the Pro Se Incarcerated Plaintiff will be given an opportunity by Judge Daniel to present her evidence at trial in support of her claims brought within the Amended Prisoner Complaint (Docket No. 20), which is currently the operative pleading in this case. Further, this court has previously addressed the access issue for the Pro Se Incarcerated Plaintiff to listen to the audio tapes in question in the Lowell Correctional Institution where the Pro Se Incarcerated Plaintiff is currently being held. It is the court's understanding from previous hearings conducted in this case that arrangements have already been made for the Pro Se Incarcerated Plaintiff to listen to such audio tapes and that, in fact, she has already listen to such audio tapes. As to the relief sought in this motion regarding ordering that the Pro Se Incarcerated Plaintiff be immediately moved to Alaska, the Pro Se Incarcerated Plaintiff cites no legal authority or any factual basis for such relief within the subject motion (Docket No. 176).

Date: February 14, 2013

FILEDUNITED STATES DISTRICT COURT
DENVER, COLORADOU.S. Department of Justice
United States Marshals Service

NOV - 7 2012

PROCESS RECEIPT AND RETURNSee Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF Jill Coit		JEFFREY H. COLWELL CLERK	COURT CASE NUMBER 12-cv-00609-WYD-MJW #1
DEFENDANT Michael Dussart, et al.,		TYPE OF PROCESS S/C	
SERVE → AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Michael Dussart		
	ADDRESS (Street or RFD, Apartment No., City State and Zip Code) 423 Avondale Avenue, Avondale, CO 81022		

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW: Jill Coit - Prisoner No. 163936 Lowell Correctional Institution 11120 NW Gainesville Road Ocala, FL 34482-1479	Number of process to be served with this Form - 285	1
	Number of parties to be served in this case	3
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

PERSONAL SERVICE

Signature of Attorney or other Originator requesting service on behalf of: s/ A. Garcia Deputy Clerk	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 303-844-3433	DATE 8/21/2012
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. 13	District to Serve No. 13	Signature of Authorized USMS Deputy or Clerk Pam Elanton	Date 8-21-12
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I hereby certify and return that I _____ have personally served, _____ have legal evidence of service, _____ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, etc., shown at the address indicated below.

☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above) _____ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)	Date of Service	Time	am pm
	Signature of U.S. Marshal or Deputy Pam B. Elanton		

Service Fee 550.00	Total Mileage Charges (including endeavors) 33.50	Forwarding Fee	Total Charges 863.50	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:
 1st Endeavor - 09-21-12 @ 0900
 2nd Endeavor - 09-27-12 @ 1030
 3rd Endeavor - 10-09-12 @ 1800
 4th Endeavor 10-12-12 @ 0830
 5th Endeavor 11-01-12 @ 0745
 unable to locate, returned unserved.

PRIOR EDITIONS
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)