

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 12-cv-01520-WJM-BNB

TERRY MARGHEIM,

Plaintiff,

v.

EMELA BULJKO, DDA,

Defendant.

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**ORDER**

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This matter arises on the following papers filed by the plaintiff:

- (1) **Plaintiff's Request/Notification** [Doc. #63, filed 06/17/2014] (the "Request/Notification");
- (2) **Plaintiff's Request for Judicial Notice Pursuant to Federal Rules of Evidence Rule 201(c)(2), and Proposed Finding of Facts and Conclusions of Law** [Doc. #68, filed 06/26/2014] (the "Request for Judicial Notice"); and
- (3) **Plaintiff's Request for Admissions Rule 36** [Doc. #70, filed 07/01/2014] (the "Request for Admissions").

In his Request/Notification, the plaintiff requests (1) an order directing the Clerk of the Court to send him a copy of the local rules of the court; (2) the court note his change of address; (3) the court note a typographical error in the proposed second amended complaint; (4) the court direct the defendant to respond to his proposed second amended complaint; and (5) the defendant

“look at the court records in Weld County Combined Courts . . . before denying any claim that cannot be disputed by the record.”

The plaintiff’s request for a copy of the local rules is granted, and his change of address has been noted in the record. By separate recommendation, I have recommended that the plaintiff’s motion to amend the Amended Complaint be denied. The typographical error has no bearing on my recommendation. Therefore, the plaintiff’s requests to note the typographical error and require the defendant to respond to the proposed second amended complaint are denied as moot. The plaintiff’s request that the defendant view Weld County court records is improper. If the plaintiff wishes to bring court documents to the defendant’s attention, he may include the documents in a proper brief or he may share the documents with the defendant during the discovery process. The court will not order the defendant to view the records.

The plaintiff’s Request for Judicial Notice asks the court take judicial notice of two Weld County Court cases and several documents. He also submits “proposed findings of facts” and “proposed conclusions of law.” He requests that the court “take notice of the undisputable facts and make conclusions of law and consider entering an order pursuant to Federal Rules of Civil Procedure Rule 56(f)(3).”

Rule 56(f)(3) provides that “[a]fter giving notice and a reasonable time to respond, the court may . . . consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute.” I decline the plaintiff’s request to consider entry of summary judgment *sua sponte* under Rule 56(f)(3). The Request for Judicial Notice is DENIED.

The plaintiff’s Request for Admissions is improper. A Scheduling Conference has not been held, and discovery has not yet commenced. Therefore, the plaintiff’s discovery requests

are premature. In addition, once discovery commences, the plaintiff may not file discovery materials with the court. Fed.R.Civ.P. 5(d). Discovery requests must be served on the defendant in accordance with the federal rules.

IT IS ORDERED:

(1) Plaintiff's Request/Notification [Doc. #63] is GRANTED IN PART and DENIED IN PART;

(2) The Clerk of the Court shall mail to the plaintiff a copy of the local rules of this court;

(3) The plaintiff's requests that the court note a typographical error in the proposed second amended complaint and require the defendant to respond to the proposed second amended complaint are DENIED;

(4) The plaintiff's request that the court ask defendant to view Weld County court records is DENIED;

(5) Plaintiff's Request for Judicial Notice Pursuant to Federal Rules of Evidence Rule 201(c)(2), and Proposed Finding of Facts and Conclusions of Law [Doc. #68] is DENIED; and

(6) Plaintiff's Request for Admissions Rule 36 [Doc. #70] is DENIED.

Dated July 9, 2014.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge