

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02677-CMA-MEH

LARRY C. MILLER,

Plaintiff,

v.

CAPTAIN KASTELIC,
DANIEL REIMER, and
LT. RIDGWELL,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on August 26, 2013.

Plaintiff's Motion to Compel Defendant Reimer's Discovery Pursuant to Fed. R. Civ. P. Rule 37(a), 34(b) [[filed August 22, 2013; docket #110](#)] is **denied without prejudice** for failure to comply with the local and federal rules.

First, pursuant to Fed. R. Civ. P. 37(a)(1), a motion to compel "must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action." Plaintiff's motion contains no such certification, nor any other indication that Plaintiff has attempted to correspond with Defendant Reimer regarding his discovery requests. To the contrary, it appears Plaintiff has done nothing to procure Mr. Reimer's compliance beyond serving Mr. Reimer with the requests on June 27, 2013, and seeking relief from this Court on August 19, 2013. Though the Court recognizes that Plaintiff's status as a *pro se* prisoner renders conferral more difficult, Rule 37(a)(1) requires more effort than he has demonstrated to this point.

Second, D.C. Colo. LCivR 37.1 requires that "A motion under Fed. R. Civ. P. 26 or 37 directed to an interrogatory, request, or response under Fed. R. Civ. P. 33 or 34 shall either set forth in the text of the motion the specific interrogatory, request or response to which the motion is directed, or an exhibit that contains the interrogatory, request, or response shall be attached." Though Plaintiff asserts that he has filed his discovery regarding Defendant Reimer with the Court previously, the Court is unable to find a distinct record of such discovery on the docket. In the interest of clarity and in conformity with D.C. Colo. LCivR 37.1, Plaintiff must provide the Court with the specific request(s) for which he seeks an order compelling discovery.