

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,
LT. RIDGWELL,
INVESTIGATOR BROWNSTEIN,

Defendants.

ORDER

Michael E. Hegarty, United States Magistrate Judge.

Before the Court is Plaintiff's Motion for Subpoena for Discovery [filed May 2, 2013; docket #26]. Plaintiff, a pro se litigant proceeding *in forma pauperis*, asks the Court to serve subpoenas on Crowley County Correctional Facility ("CCCF") in order to obtain discovery relevant to his claims. In particular, Plaintiff seeks several categories of documents, including duty rosters, various prison policies, incident reports, and personnel rosters pertaining to an alleged assault that occurred on July 16, 2012.

Though plaintiff is proceeding *in forma pauperis*, he has no right to obtain documents free of charge. *See Windsor v. Martindale*, 175 F.R.D. 665, 672 (D. Colo. 1997) ("Plaintiff is not entitled to a copy of any document without payment of an appropriate copy cost, if required."). Before directing the Clerk of the Court to issue a subpoena commanding the production of documents, courts in this district have required plaintiffs to "provide[] proof that [they] have made arrangements for the payment of costs associated with the preparation or copying of those documents, or obtained

agreement of the third party to waive the payment of those costs.” *Hawkinson v. Montoya*, 04-cv-01271-EWN-BNB, 2006 WL 1215397, at *2 (D. Colo. May 4, 2006) (citing *Windsor, supra*); see also *Milligan v. Reed*, 06-cv-00911-WYD-MJM, 2009 WL 1636957, at *1 (D. Colo. June 11, 2009). In light of the costs associated with directing the issuance and service of a subpoena, the Court declines to enter any such order until Plaintiff demonstrates his ability to pay for the requested documents, or provides evidence that payment will not be necessary. See *id.* Therefore, Plaintiff’s Motion for Subpoena for Discovery [filed May 2, 2013; docket #26] is **denied without prejudice**.

Dated and entered at Denver, Colorado, this 7th day of May, 2013.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive, flowing style.

Michael E. Hegarty
United States Magistrate Judge