

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02749-MSK-MEH

R. KIRK MCDONALD,

Plaintiff,

v.

J.P. MORGAN CHASE BANK N.A.,
CITIBANK, N.A.,
CHASE FUNDING MORTGAGE LOAN, and
ASET BACKED CERTIFICATES 2002-4,

Defendants.

ORDER

Michael E. Hegarty, United States Magistrate Judge.

Plaintiff's Response to the Court's Order Dated May 7, 2013 Motion for Issuance and Service of Subpoenas in Forma Pauperis: With Request for Reconsideration [filed May 13, 2013; docket #63] is **denied without prejudice** for the following reasons.

As noted in the Court's May 2, 2013 Order, Plaintiff's status as a *pro se* litigant proceeding *in forma pauperis* does not entitle him 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.") The Court explained that plaintiffs in this district have been required 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 the six subpoenas attached to Plaintiff's motion, the Court declined to enter any such orders until Plaintiff demonstrated his ability to pay for the requested documents, or provided evidence that payment would not be necessary.

In his motion for reconsideration, Plaintiff proffers, without any authority or evidence, that all documents he seeks to obtain can be produced in electronic format, and therefore, without cost. Even if this assertion were true, there are undoubtedly administrative costs associated with the preparation of the documents. Thus, the Court reiterates that it will not direct the Clerk of the Court to issue or arrange service of the six proposed subpoenas until Plaintiff provides proof that he has 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. *See Hawkinson*, 2006 WL 1215397 at *2.

Dated and entered at Denver, Colorado, this 16th 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 style with a large initial 'M' and 'H'.

Michael E. Hegarty
United States Magistrate Judge