

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

Civil Action No. 13-cv-00111-RM-BNB

JOE M. TONEY, JR.,

Plaintiff,

v.

WARDEN BERKEBILE,
A.W. HALL,
A.W. KUTA,
S.I.S. REDDEN,
R. MARTINEZ,
MS. RANGEL,
MS. SUDLOW, and
MR. MADISON,

Defendants.

ORDER

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

(1) **Motion for Sanction for Failure to Make Disclosure and Cooperate in Discovery**

[Doc. #74, filed 09/18/2013]; and

(2) **Motion for Request and Leave to File a Reply Response** [Doc. #80, filed

10/17/2013].

The plaintiff requests sanctions against the defendants for failing to respond to his discovery requests. The defendants assert, and the plaintiff does not dispute, that the plaintiff

served his discovery requests on August 14, 2013, and the defendants timely served their responses on September 16, 2013.¹ Accordingly, the plaintiff's request for sanctions is denied.

IT IS ORDERED:

(1) The Motion for Sanction for Failure to Make Disclosure and Cooperate in Discovery [Doc. #74] is DENIED; and

(2) The Motion for Request and Leave to File a Reply Response [Doc. #80] is GRANTED.

Dated October 30, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

¹The plaintiff complains that prison officials did not timely deliver the defendants' discovery requests. *Motion for Request and Leave to File a Reply Response*, ¶¶ 3-8.