

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00206-PAB-KLM

DAVID B. HOECK,

Plaintiff,

v.

DARRYL PROFFIT,
MARY TOOMEY,
LINDA WORTHEN,
SCOTT LANCASTER,
TOM JORDAN,
VALERIE CRAIG,
KEN TOPLISS,
J. STRICKLETT, and
MARY ANN ALDRICH,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Request for Court Order** [#60] and on Plaintiff's **Request for Service of Subpoena Duces Tecum** [#67]. Defendants filed a Response [#62] to Plaintiff's Request for Court Order, and Plaintiff filed a Reply [#63]. In the Request for Court Order [#60], Plaintiff asks the Court to allow him to perfect a document he drafted that he states is for "disclosures." Plaintiff describes the 114-page document as follows:

The Plaintiff has written a book entitled God's Truth Revealed, Doctrines and Beliefs of the New [Testament] Church, which specifically sets forth the doctrines and beliefs of the Biblical Christian faith through topical Bible studies. While the Church of God and Biblical Christians have existed for thousands of years there has not been assemble[d] such a book of reference for each of the specific faith practices and doctrines. . . . Since the Court and Defendants have repeatedly stated that the Plaintiff has failed to be sufficiently specific, he has put together the book of doctrines and beliefs of the Biblical Christian Church of God, which fully elaborates each of the faith

practices. While the Church of God does have various books, tracts, and literature which expounds some of our faith practices, there is only the Holy Bible left, which the Court and Defendants have repeatedly stated was not specific enough.

Reply [#63] at 1.

In short, Plaintiff states that, with the help of a fellow inmate, he drafted the document but was required to print it out by the legal library staff with errors and omissions. The document was then purged from the computer system. He asks the Court to direct Defendants and the law library staff “to permit Plaintiff to perfect his document for disclosures. Also, that they resurrect the document from the recycling bin of the law library computer, or that they allow ample time to redo the complete 114 page document before being submitted as part of disclosures.” *Request for Court Order* [#60] at 1. Defendants respond that the document cannot be for disclosures in this lawsuit because Plaintiff is exempt from disclosures under Fed. R. Civ. P. 26(a). *Response* [#62] at 2-3. Defendants further state that “Plaintiff’s creation of this non-legal document was made well in advance of Defendants serving him with any requests for discovery, and therefore, could not have been created in response to Defendants’ requests for production. Further, the 145-page document of religious sermons is likely unresponsive to any discovery requests propounded by Defendants.” *Id.* at 3.

IT IS HEREBY **ORDERED** that the Request for Court Order [#60] is **DENIED**. To the extent that Plaintiff intends to submit this document in response to Defendants’ discovery requests, he may handwrite any corrections on the document before submitting it to Defendants. If Plaintiff intends to submit this document to Defendants in response to any specific written discovery request(s), Plaintiff shall do so **no later than December 22, 2014**.

IT IS FURTHER **ORDERED** that the Request for Service of Subpoena Duces Tecum [#67] is **DENIED**. Unlike the Request for Court Order [#60], the Request for Service of Subpoena Duces Tecum was signed by Plaintiff ten days after the discovery deadline lapsed. See [#53]. Plaintiff’s request is therefore untimely as discovery closed in this matter on October 31, 2014.

Dated: December 2, 2014