

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

Civil Action No. 13-cv-00252-CMA-BNB

JASON LEE RICKERT,

Plaintiff,

v.

REVADA FARNSWORTH, R.N., Boulder County Jail Badge #1524,
CHERI HARVEY, R.N., Boulder county Jail Badge #1581,
PATTI BOOTH, R.N., Boulder County Jail Badge #1507, and
DR. JEREMIAH KAPLAN, M.D., of the Boulder County Jail Medical,

Defendants.

ORDER

This matter arises on **Defendants' Motion to Strike Plaintiff's Request for Admissions** [Doc. #83, filed 11/04/2013] (the "Motion to Strike"). The Motion to Strike is GRANTED IN PART and DENIED IN PART.

The defendants request an order striking as untimely "Plaintiff's First Set of Admission's Requested from Defendants." The plaintiff filed the Request for Admissions with the court on October 28, 2013 [Doc. #80]. The Request for Admissions contains a Certificate of Service which states that the plaintiff served the Request for Admissions on defense counsel on October 22, 2013. The Discovery Cut-Off date was October 18, 2013.¹ *Scheduling Order* [Doc. #59].

¹On September 24, 2013, the plaintiff sought an extension of the Discovery Cut-Off because he was experiencing difficulty obtaining medical records from non parties [doc. #68]. I denied the plaintiff's request because he failed to show good cause [Doc. #72].

The Request for Admissions is stricken from the court's record because discovery materials shall not be filed with the court. Fed. R. Civ. P. 5(d). Insofar as the defendants seek relief based on the untimeliness of the Request for Admissions, the Motion is DENIED. The defendants may address the untimeliness issue through objections to the Request for Admissions or through a request for a protective order.

IT IS ORDERED:

(1) The Motion [Doc. #83] is GRANTED insofar as it seeks an order striking plaintiff's Request for Admissions from the court record and DENIED to the extent it seeks any other relief; and

(2) The plaintiff's Request for Admissions [Doc. #80] is STRICKEN.

Dated December 9, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge