

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00452-MSK-MEH

DARRELL HAVENS,

Plaintiff,

v.

TOM CLEMENTS, in his individual and official capacities,
CARMEN MEYERS, in her individual and official capacities,
JAIME HARRELSON, in her individual and official capacities,
WONDA JACOBS, in her individual and official capacities,
KIMBERLY BOYDIN, in her individual and official capacities,
HERMELLA ASSEFA, in her individual and official capacities,
EMANUEL OKAI, in his individual and official capacities, and
PHYSICIANS HEALTHCARE PARTNERS,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on September 5, 2013.

Plaintiff's "Supplemental Motion to Defendant PHP's Motion to Dismiss with Prejudice and Request an Order for DRDC Keeps [sic] All Video Camera Recordings" [filed July 22, 2013; docket #37], construed by the District Court as a Motion to Require DRDC to Keep All Video Recordings (*see* docket #43), is **denied as premature**. Plaintiff seeks an order requiring his facility, the Denver Reception & Diagnostic Center (DRDC), to "preserve all video surveillance on the Infirmary Unit (in his room) & SMNU section." However, Plaintiff fails to explain whether or demonstrate that the DRDC has the ability to, but fails (or has failed) to retain video recordings, to the extent such recordings can be retained. In fact, discovery has not yet begun in this case and there is no indication that the Plaintiff has requested copies of such recordings from Defendants informally. Certainly, as with any party to litigation, the Court expects that the DRDC has retained all documents, recordings, or other discoverable information in its possession, custody or control that are or may be relevant to the claims and defenses raised in this case. If the Plaintiff seeks copies of such discoverable information and the Defendants deny his request, the Plaintiff may address the issue with the Court at that time.