

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 13-cv-01008-MKS-KMT

JOHN THOMAS SEXTON, JR.,

Plaintiff,

v.

GOVERNOR JOHN HICKENLOOPER,
MAYOR MICHAEL HANCOCK,
LT. JAMES HENNING OF DENVER POLICE DEPARTMENT,
UNKNOWN OFFICER OF DENVER POLICE DEPARTMENT,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

Plaintiff's "Motion to Name Unknown Party" (Doc. No. 28, filed June 26, 2013) is DENIED. Because Plaintiff's Motion seeks to discover "the name of the 'Unknown Officer' for the Denver Police Department so [he] can properly name the defendant," the court construes Plaintiff's motion as a motion to compel discovery. Pursuant to Fed. R. Civ. P. 26(a)(1)(B)(iv), *pro se* actions brought by individuals in the custody of the United States, a state, or a state subdivision are a category of proceedings "exempt from initial disclosure." Additionally, the local rules of this court provide that a scheduling order and orders for discovery are unnecessary in the category of proceedings listed in Fed. R. Civ. P. 26(a)(1)(B). D.C.COLO.LCivR 16.2.B.2. As such, the court declines to allow discovery prior to holding the Preliminary Scheduling Conference.

Dated: June 27, 2013