

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

Civil Action No 13-cv-01726-RBJ-BNB

RUBEN ARAGON,

Plaintiff,

v.

HILLEL ERLANGER,
MITCHELL BUTTERFIELD, and
RHONDA FUNSTON,

Defendants.

ORDER

This matter arises on the plaintiff's **Motion for Order Directing the Clerk of the Court to Stamp the Attached Subpoenas Ducesss Tecums and Directing the United States Marshal to Serve the Subpoenas Duces Tecums** [Doc. #87, filed 11/05/2014] (the "Motion").¹

The plaintiff currently is incarcerated by the Colorado Department of Corrections. He filed his Amended Prisoner Complaint on August 26, 2013 [Doc. #9]. The plaintiff's remaining claims are for violations of his First Amendment right to free exercise of religion [Doc. #55].

The plaintiff seeks orders (1) directing the Clerk of the Court to stamp two subpoenas and (2) directing the United States Marshal to serve the subpoenas. Although the plaintiff is proceeding *in forma pauperis*, he is not automatically entitled to the issuance of a subpoena. Burgess v. Andrews, 657 F.Supp. 1153, 1157 (W.D. N.C. 1987). The Court will serve a

¹I have quoted the motion's title verbatim, without correction or acknowledgment of errors.

subpoena only if satisfied that plaintiff's request is reasonable. Id. Here, the subpoenas do not seek information related to this case but, instead, they seek files from a 1992 criminal case.

IT IS ORDERED that the Motion [Doc. #87] is DENIED.

Dated November 6, 2014.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge