

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

Civil Action No. 13-cv-02189-LTB-BNB

JAMES P. WYLIE,

Plaintiff,

v.

TONY CAROCHI, CDOC Interim Executive Director, and
JAMES FALK, SCF Warden,

Defendants.

ORDER

This matter is before me on the following motions filed by the plaintiff on March 19, 2014 (the “Motions”):

- (1) **Motion for Evidentiary Hearing** [Doc. #35];
- (2) **Motion to Subpoena CDOC’s Records** [Doc. #36];
- (3) **Motion to Subpoena CDOC’s M/H Records** [Doc. #37]; and
- (4) **Motion to Subpoena CDOC’s Staff** [Doc. #38].

The plaintiff is incarcerated by the Colorado Department of Corrections. He filed an Amended Prisoner Complaint on October 7, 2013 [Doc. #9]. The defendants filed a motion to dismiss on January 6, 2014 [Doc. #20]. On January 8, 2014, I issued a Minute Order [Doc. #23] directing the plaintiff to respond to the Motion to Dismiss on or before February 7, 2014. On February 7, 2014, the plaintiff filed a motion to reconsider the Minute Order [Doc. #24]. He stated that he was unable to respond to the motion to dismiss because he suffered from disabilities; requested accommodations for his disabilities so that he could draft a response; and

sought an extension of time to respond. His motion to reconsider notwithstanding, the plaintiff responded to the motion to dismiss on February 26, 2014 [Doc. #30]. As a result, I denied as moot the motion to reconsider [Doc. #34]. The defendants filed a response to the motion to reconsider on February 27, 2014 [Doc. #31].

The plaintiff now requests an evidentiary hearing on the defendants' response. He also requests that the court issue several subpoenas for documents and witnesses for the evidentiary hearing. All of this has been rendered moot by the plaintiff's response to the motion to dismiss.

IT IS ORDERED that the Motions [Doc. ## 35, 36, 37, and 38] are DENIED.

Dated April 1, 2014.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge