

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01568-RM-MJW

REGINA GARCIA as Parent and Next Friend to T.D., a minor,

Plaintiff(s),

v.

KELCEY PATTON and  
THE DENVER DEPARTMENT OF HUMAN SERVICES,

Defendant(s).

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

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It is hereby ORDERED that Plaintiff's Motion to Compel (Forensic Interview of Minor) (docket no.137) is DENIED for the following reasons. Each party shall pay their own attorney fees and costs for this motion.

On November 12, 2014, this court GRANTED the Non-Party City of Wheat Ridge's Motion to Quash Subpoena, or in the Alternative, Request for an *In Camera* Review and Protective Order (docket no. 61). See Minute Order (docket no. 81). Plaintiff did not file any objections to this Minute Order (docket no. 81) pursuant to Fed. R. Civ. P. 72(a). Instead, Plaintiff has waited roughly six months to file the subject motion (docket no. 137). This court agrees with the Non-Party City of Wheat Ridge that the subject motion (docket no. 137) is procedurally improper and is an attempt by Plaintiff to circumvent this court's Minute Order (docket no. 81) which is law of this case on this disputed area of discovery.

A party's failure to file timely objections to a magistrate judge's ruling precludes further review of the issue by the District Court or the Court of Appeals. Hill v. SmithKline Beecham Corp., 393 F.3d 1111, 1114 (10<sup>th</sup> Cir. 2004) ("If the parties fail to make a timely objection, they "waive [ ] appellate review of both factual and legal questions."). Here, nothing prevented Plaintiff from timely filing objections consistent with Rule 72 (a) to this court's Minute Order (docket no. 81). Simply put, Plaintiff failed to do so. Filing of Rule 72(a) objections was the proper procedure for Plaintiff to follow in order to seek the relief that is being sought in the subject motion (docket no. 137). Moreover, it is clear from the Response (docket no. 161) that the criminal investigation remains active. See exhibit A (Sgt. J.D. Jepkema's Affidavit) attached to Response (docket no. 161). For these reasons, the subject motion (docket no. 137) should be denied.

Date: June 15, 2015

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