

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00242-KLM

AARON SCARBOROUGH,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Plaintiff's **Motion to Compel USP Lewisburg's Warden to Produce the Plaintiff's Discovery Materials to Plaintiff Pursuant to Fed. R. Civ. P. 26 and 34** [#31] (the "Motion"). Defendant filed a Response [#32] in opposition to the Motion. Plaintiff did not file a Reply.

The issue here concerns how documents were produced, as opposed to which documents were or were not produced. Defendant responded to Plaintiff's written discovery requests partially in hard-copy format and partially with documents on a compact disc. *Response* [#32]. Plaintiff appears to have initially refused the offer of a laptop from his prison facility so that he could review these documents. However, after the filing of the Motion [#31], Plaintiff appears to have changed his mind and, so far as the Court can now discern, he has had the opportunity to review these documents electronically. *See Aff. of Diltz* [#32-2] ¶ 8. Thus, the issue raised by the Motion [#31] appears to be moot. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#31] is **DENIED as moot**.

Dated: January 22, 2016