

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00741-PAB-MJW

WILLIAM GILMORE,

Plaintiff,

v.

TRUDY SICOTTE, and  
DAVID TESSIER,

Defendants.

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED Plaintiff's Motion to Strike & Motion to Appoint Counsel (Docket No. 38) is DENIED. Regardless of whether Plaintiff's medical records are privileged or otherwise protected, Plaintiff has placed his medical condition directly at issue in this lawsuit and has therefore waived any such protections. And as to the appointment of counsel, it does not currently appear that the issues in this lawsuit are so numerous or complex that the plaintiff is unable to present his case adequately at this stage of the litigation. *See Long v. Shillinger*, 927 F.2d 525, 527 (10th Cir. 1991). Accordingly, the motion is denied.

The Court takes note, however, of Plaintiff's representation that he has been denied access to his own medical records. (See Docket No. 38, p.2.) As a result, it is further ORDERED that:

- Plaintiff shall have up to and including August 17, 2015, to file responses to all pending motions filed by Defendants (Docket Nos. 26, 32, and 34); and
- Counsel for Defendants shall take all reasonable measures to ensure that Plaintiff has access to his medical records, including (but not limited to) contacting the appropriate officers at the Fremont Correctional Facility no later than August 7, 2015, and requesting expedited treatment for Plaintiff's access request.

Date: July 28, 2015

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