

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01781-RBJ-MJW

EDWARD ALLEN, *a/k/a Edward A. Clutts*,

Plaintiff,

v.

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS,
ROY HAVENS, P.A., and
DR. MARK WIENPAHL,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

In light of Plaintiff's Motion to Produce Witness (Docket No. 53) and Defendants' Response (Docket No. 59), it is hereby ORDERED that Plaintiff's Motion to Produce Witness (Docket No. 53) is DENIED for the following reasons.

Insofar as Plaintiff seeks Defendants' assistance in serving Defendant Havens, the motion is moot in light of the Court's Order granting service by the U.S. Marshal Service. (Docket Nos. 45 & 56.) Insofar as Plaintiff seeks Defendants' assistance in getting evidence from Defendant Havens, Plaintiff's proper recourse is either (1) to serve him with process and, later, discovery pursuant to Title V of the Federal Rules of Civil Procedure, or (2) to serve a subpoena on him pursuant to Fed. R. Civ. P. 45(a)(3) if he remains a nonparty.

Date: March 1, 2016
