

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01860-MEH

JASON FORBES,

Plaintiff,

v.

GARCIA, Deputy, EID #13141,
C. JOHNSON, Deputy, EID #13095,
YOSHIMIYA, Deputy, EID #13080,
CHOAFE, Deputy, EID #12023, and
GONZALES, Deputy, EID #07092,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on December 7, 2015.

Plaintiff's Motion to Compel Discovery and Affidavit [[filed December 3, 2015; docket #24](#)] is **denied** as premature. Plaintiff brings his motion pursuant to Fed. R. Civ. P. 37; however, he has not demonstrated that he has submitted discovery requests to the Defendants and they failed to respond to such requests. In fact, the Status/Scheduling Conference in this case, at which the Court will set deadlines for submitting discovery requests, is not scheduled until December 14, 2015.

If the Plaintiff seeks to serve his discovery requests on the Defendants by filing them with the Court, he may do so pursuant to D.C. Colo. LCivR 5.3(b). However, he may not seek an order to compel pursuant to Rule 37 unless and until the Defendants fail to respond to such requests. *See* Fed. R. Civ. P. 37(a)(3).