

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02629-WJM-MJW

ERIC ADAMS,

Plaintiff,

v.

OFFICER MARTINEZ,

Defendant.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Plaintiff's Amendment to Motion Requesting The Court to Cause ADMAX Staff To Abide To Section 28 CFR 540.21(d) (Docket No. 35) is DENIED.

The regulation provides for free postage for Plaintiff's legal mail, if Plaintiff has no funds. This means attorneys who are actually involved in Plaintiff's legal matters – not the Solicitor General or Attorney General of the United States. The regulation plainly gives BOP discretion to impose reasonable restrictions on such abuses. Plaintiff's motion is therefore DENIED.

However, the Court notes that it might be inferred from the language toward the end of Plaintiff's motion (bottom of page 4) that Plaintiff has been prevented from serving documents on AUSA Licht-Steenfat, counsel for Defendant in this matter. If this is true, it may well be inappropriate. Nonetheless, Plaintiff also included a certificate of service plainly attesting that this motion has been served on Mr. Licht-Steenfat. Previous motions were similarly accompanied by certificates of service. Thus, at this time, there appear to be no grounds for drawing such an inference. If, in fact, postage has not been provided for serving copies of case documents on Mr. Licht-Steenfat, Plaintiff may raise the matter with the Court at the May 10, 2016 scheduling conference in this case.

Date: April 15, 2016
