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1 2 3 4 5 UNITED STATES DISTRICT COURT DISTRICT OF NEVADA 6 7 8 COLBERT NICHOLS, 9 Plaintiff, Case No. 2:09-cv-01698-LDG-GWF 10 **ORDER** VS. 11 ROBERT BANNISTER, et al., Motion to Compel or Alternative Motion for Contempt of Court (#38) 12 Defendants. 13 14 This matter comes before the Court on Plaintiff's Motion to Compel or in the Alternative, 15 Motion for Contempt of Court (#38), filed on January 12, 2012 and Defendants' Response to Motion to 16 Compel (#40), filed on February 2, 2012. 17 Plaintiff requests the Court compel Defendants to provide Plaintiff with a copy of his medical 18 records and a ten year history of litigation where Defendants have been named parties. Initially, the 19 Court notes that Plaintiff's discovery motion is untimely. Pursuant to the Court's Scheduling Order 20 (#31), any discovery motions shall be filed no later than December 30, 2011. Plaintiff filed this instant motion on January 12, 2012. Notwithstanding the untimeliness of this motion, the Court further finds 21 22 Plaintiff's motion lacks merit. Defendants have provided a copy of Plaintiff's medical records to the 23 Warden's office at the Northern Nevada Correctional Center where Plaintiff is currently incarcerated. 24 Defendants informed Plaintiff that if he wishes to view his medical records, he needs to submit a kite 25 request and make the appropriate arrangements with the Warden's office. Defendants have provided 26 Plaintiff with a means of accessing his medical records and therefore have satisfied their discovery 27 obligation to produce Plaintiff's medical records.

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Plaintiff's request for a list of all the lawsuits over the past ten years that the Defendants were named as parties is overly burdensome and not relevant to the case at hand. The Court therefore will not compel Defendants to produce such a list. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Compel or in the Alternative, Motion for Contempt of Court (#38) is **denied**.

DATED this 10th day of February, 2012.

GEORGE FOLEY, JR United States Magistrate Judge