

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY 

RAUL MEZA,	§
	§
PLAINTIFF,	§
	§
V.	§
	§
INDIVIDUAL PAROLE OFFICERS, IN	§
THEIR INDIVIDUAL AND OFFICIAL	§
CAPACITIES, BRAD LIVINGSTON,	§
EXECUTIVE DIRECTOR OF THE TEXAS	§
DEPARTMENT OF CRIMINAL JUSTICE	§
IN HIS OFFICIAL CAPACITY, AND	§
BRIAN COLLIER, DIRECTOR OF THE	§
TEXAS DEPARTMENT OF CRIMINAL	§
JUSTICE PAROLE DIVISION, IN HIS	§
OFFICIAL AND INDIVIDUAL	§
CAPACITIES,	§
	§
DEFENDANTS.	§

CAUSE NO. A-05-CA-1008-LY

ORDER

Before the Court in the above-styled cause of action is Defendant Collier's Second Opposed Motion for Protective Order filed September 20, 2006 (Clerk's Document 32) and Plaintiff's response filed October 2, 2007 (Clerk's Document 37). By his motion, Collier requests that this Court enter a protective order staying discovery as to Collier until resolution of the qualified-immunity issues, or at least until he has had an opportunity to review Plaintiff Meza's "fact specific pleading to determine if [Meza] has stated a claim against him in his personal capacity." Upon review of the motion and the case file, the Court is of the opinion that Collier's motion should be denied.

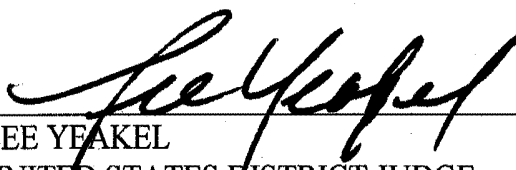
Defendant Collier filed his first motion for protective order in this Court on July 28, 2006, requesting relief that was similar to the relief requested in the motion now pending before this Court. Collier's first motion for protective order was referred to Magistrate Judge Andrew Austin for

resolution. On August 30, 2006, Magistrate Judge Andrew Austin denied Collier's first motion for protective order because Magistrate Judge Austin had rendered a Report and Recommendation (Clerk's Document 26) on Collier's Motion to Dismiss, recommending that Collier's motion be denied as to Plaintiff's claims for prospective injunctive relief and that such claims against Collier remain pending for trial. Magistrate Judge Austin advised Collier that, if Judge Yeakel did not accept the Report and Recommendation regarding Meza's claims for prospective injunctive relief, Collier could then renew his request for a protective order.

On December 6, 2006, this Court signed an Order accepting the Magistrate Judge's Report and Recommendation as to Meza's claim for prospective injunctive relief (Clerk's Document 52). Furthermore, this Court ordered Meza to submit a reply to Defendants' Answer that pleads his allegations against Collier with specificity. *See* Fed. R. Civ. P. 7(a). Meza filed his Rule 7(a) reply on December 21, 2006. Accordingly, this Court finds that there is not good cause for a protective order at this time.

IT IS THEREFORE ORDERED that Defendant Collier's Second Opposed Motion for Protective Order (Clerk's Document 32) is **DENIED**.

SIGNED this 6th day of February, 2007.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE