

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TONI R. DONAHUE,)
)
 Plaintiff,)
)
 v.) Case No. 18-2012-CM
)
 KANSAS BOARD OF EDUCATION, et al.,)
)
 Defendants.)

ORDER

In this action brought under the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. § 1415(f), the pro se plaintiff seeks judicial review of a due process hearing and subsequent administrative review involving the Olathe School District, USD #233 (“the District”). On July 4, 2018, the District filed what it represents to be the administrative record (ECF No. 87). On July 11, 2018, plaintiff filed a motion asserting, in part, that the District failed to submit the *entire* administrative record, and seeking sanctions for the alleged failure (ECF No. 92). In denying the motion, the undersigned U.S. Magistrate Judge, James P. O’Hara, found “plaintiff fail[ed] to identify how the record is deficient,” and directed plaintiff to “file a motion to supplement the record” should she “later identify some specific issue with the administrative record submitted by the District” (ECF No. 94 at 2).

Plaintiff has now filed a motion titled “motion for discovery” (ECF No. 108). As it is currently configured, the motion is denied. The motion “requests discovery” of a large number of specific e-mails. But because plaintiff is able to identify the e-mails by date and, often, time sent, it seems she already has copies of the e-mails. There is no reason for the court to order discovery of documents already in plaintiff’s possession. To the extent plaintiff is seeking to have the identified e-mails included in the administrative record for the court’s review, she is again directed to file a motion to supplement the record pending before U.S. District Judge Carlos Murguia.

Plaintiff’s motion does briefly reference “concealed correspondence between the KSDE, the LEA, and the Due Process Hearing officer” (ECF No. 108 at 5). To the extent plaintiff is seeking to obtain e-mails or documents of which she does not have a copy, she is directed to file a new motion for discovery—requesting only documents not already in her possession—by **January 22, 2019**.

IT IS SO ORDERED.

Dated January 17, 2019, at Kansas City, Kansas.

s/ James P. O’Hara
James P. O’Hara
U.S. Magistrate Judge