

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 05-cv-00576-PSF-CBS

DEREK W. BARRINGER,
Plaintiff,

v.

WACKENHUT SERVICES, INC., and
JOHN DOE OFFICER FOR WACKENHUT,
Defendants.

ORDER GRANTING MOTION TO WITHDRAW MOTION TO DISMISS
AND REINSTATING CIVIL ACTION

Magistrate Judge Craig B. Shaffer

This civil action came before the court for a telephone status conference with Plaintiff Barringer on February 21, 2006 and on: (1) Barringer's "Motion to Amend Defendant Name" (filed November 3, 2005) (doc. # 24); (2) Barringer's "Motion for Order for Change of Defendant's Address" (filed November 3, 2005) (doc. # 25); (3) Barringer's Motion to Withdraw Motion to Dismiss (filed December 22, 2005) (doc. # 47); (4) Barringer's Motion to Withdraw the Plaintiff's Motion to Dismiss (filed December 22, 2005) (doc. # 48); and (5) Barringer's Motion to Set Aside Order of Dismissal (filed December 23, 2005) (doc. # 53). Pursuant to the Order of Reference dated October 25, 2005 (doc. # 13), the Amended Order of Reference dated November 2, 2005 (doc. # 22), and the memoranda dated December 22, 2005 (docs. # 51 and # 52) and December 23, 2005) (doc. # 54), these matters were referred to the Magistrate Judge. The court has reviewed Barringer's motions, the entire case file, and the

applicable law and is sufficiently advised in the premises.

On December 19, 2005, Barringer sought to voluntarily dismiss this civil action without prejudice. Barringer has since explained that he wished to voluntarily dismiss this civil action because he was unsure whether he could comply with the court's December 12, 2005 "Order Directing Plaintiff to Make Monthly Filing Fee Payment or to Show Cause" (doc. # 40). Barringer now wishes to reinstate his lawsuit. Accordingly,

IT IS ORDERED that:

1. **Barringer's Motion to Withdraw Motion to Dismiss (filed December 22, 2005) (doc. # 47) is GRANTED** and this civil action is REINSTATED.
2. **Barringer's "Motion to Amend Defendant Name" (filed November 3, 2005) (doc. # 24) is GRANTED.** The caption is hereby amended to reflect that the named Defendant is WACKENHUT COMPANY.
3. **Barringer's "Motion for Order for Change of Defendant's Address" (filed November 3, 2005) (doc. # 25) is GRANTED.** The court's records shall be amended to reflect that Defendant Wackenhut Company's address is 4200 Wackenhut Drive, Palm Beach, Florida 33410.
4. In light of the granting, above, of Barringer's Motion to Withdraw Motion to Dismiss (filed December 22, 2005) (doc. # 47), **Barringer's Motion to Withdraw the Plaintiff's Motion to Dismiss (filed December 22, 2005) (doc. # 48) is DENIED as duplicative and moot.**
5. In light of the granting, above, of Barringer's Motion to Withdraw Motion

to Dismiss (filed December 22, 2005) (doc. # 47), **Barringer's Motion to Set Aside Order of Dismissal (filed December 23, 2005) (doc. # 53) is DENIED as duplicative and moot.**

6. The court will issue an order granting service by the U.S. Marshal concurrent with this Order.

DATED at Denver, Colorado, this 22nd day of February, 2006.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge