

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Phillip S. Figa

Civil Action No. 05-cv-00669-PSF-PAC

JIM TATUM,

Plaintiff,

v.

HAROLD D. (HAL) SIMPSON;
STEVEN J. WITTE;
HENRY DANIEL (DANNY) MARQUEZ;
JOHN SUTHERS;
TANYA T. LIGHT;
JOHN J. CYRAN;
PAUL L. BENINGTON;
DENNIS MAES; and
DAN CORSENTINO,

Defendants,

ORDER AFTER REMAND

This matter comes before this Court following an Order and Judgment of the United States Court of Appeals for the Tenth Circuit in Case No. 05-1549 issued October 5, 2006, in which the panel directed a partial remand of this case to the district court. The mandate of the Circuit was issued October 27, 2006 (Dkt. # 83).

In its Order and Judgment, the panel affirmed aspects of this Court's Order of November 14, 2005 (Dkt. # 76) that adopted the Recommendation of the Magistrate Judge as to several motions then pending before this Court. The panel, however, reversed in part and remanded to this Court that portion of this Court's Order of November 14, 2005 granting the Amended Motion to Dismiss, filed on July 25, 2005

by Defendants Harold Simpson, Steven Witte, Danny Marquez, John Suthers, Tanya Light, John Cyran, Paul Benington, and Dennis Maes (Dkt. # 30), on the grounds that the *Rooker-Feldman* doctrine barred the plaintiff's claims against these defendants. (Order and Judgment dated Oct. 5, 2006, Case No. 05-1549 at 3). The panel remanded the case with instructions that this Court conduct further proceedings in accordance with its order.

This Court has reviewed the Amended Motion to Dismiss filed by the above-named defendants and notes that it sets forth grounds for dismissal of plaintiff's complaint other than the *Rooker-Feldman* doctrine. Those other grounds were not addressed by either the Magistrate Judge, this Court or the Tenth Circuit.

Given the passage of time since the Amended Motion to Dismiss was filed, and in order to efficiently address all the issues in one order, the Court directs the defendants to advise the Court no later than November 30, 2006 of any other recent developments, facts, issues or arguments not included in the Amended Motion to Dismiss, that defendants now advance in support of the previously filed motion. If defendants do not file anything further by November 30, 2006, the Court will rule on the other issues in the Amended Motion to Dismiss. If defendants do file any additional brief or materials, plaintiff may file a response to that brief no later than December 15, 2006. Defendants need not file an answer to the complaint at this time.

DATED: November 9, 2006

BY THE COURT:

s/ Phillip S. Figa

Phillip S. Figa
United States District Judge