

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 05-cv-02467-PAB-KLM
(Consolidated with Civil Action No. 06-cv-01747-PAB-KLM and 07-cv-00021-PAB-KLM)

MOHAMMED SALEH,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant,

and

EL-SAYYID A. NOSAIR,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant,

and

IBRAHIM ELGABROWNY,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiffs' Motion for Leave to Supplement**

Plaintiffs' Response to Defendant's Motion for Summary Judgment [Docket No. 347; Filed November 16, 2010] (the "Motion"). The Motion is opposed.

Plaintiffs seek to file a seventeen-page supplement to their Response and Supplemental Response to Defendants' Motion for Summary Judgment [Docket Nos. 323 & 338]. Defendant's Motion has been fully briefed since September 2010. Moreover, the Court intends to issue a Recommendation on outstanding dispositive motions shortly. Although the Court previously provided an opportunity to Defendant to supplement its pleadings because of recent jurisprudence in this District involving identical claims, I do not find that Plaintiffs have provided sufficient grounds for supplementation on the basis of new facts. Simply, it is to be expected that the facts regarding Plaintiffs' incarceration continue to change in this case, and the Court cannot delay briefing any longer given that the trial date is fast approaching. This case must move forward. Moreover, because I do not read the relevant caselaw or Step-Down Unit Program policy as requiring step down at the moment of eligibility, I do not find any new facts in relation to Plaintiff Nosair's alleged denial of the opportunity to step down to the pre-transfer unit to be material to the pending dispositive motions. Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **DENIED**.

Dated: November 19, 2010