

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-00759-LTB-CBS

MICHAEL WHITINGTON,  
Plaintiff,

v.

JOE ORTIZ et al.,  
Defendants.

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ORDER

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Magistrate Judge Craig B. Shaffer

This civil action comes before the court on Mr. Whittington's "Motion to Amend and Supplement the Plaintiff's Complaint Pursuant to Rule 15(a), (d) Fed.R.Civ.P." (filed March 11, 2009) (doc. # 155). Pursuant to the Order of Reference dated February 7, 2007 (doc. # 44) and the memorandum dated March 12, 2009 (doc. # 156), this matter was referred to the Magistrate Judge. The court has reviewed the matter, Defendants' Response (filed March 31, 2009) (doc. # 159), the entire case file, and the applicable law and is sufficiently advised in the premises. Defendants indicate that "they do not oppose Plaintiff's Motion to Amend." (See doc. # 159). Accordingly, IT IS ORDERED that:

1. Mr. Whittington's "Motion to Amend and Supplement the Plaintiff's Complaint Pursuant to Rule 15(a), (d) Fed.R.Civ.P." (filed March 11, 2009) (doc. # 155) is GRANTED.

2. Mr. Whittington's Second Amended Complaint (doc. # 155-2) is accepted for filing as of the date of this Order.

3. A Preliminary Scheduling Conference is currently set on Thursday April 16, 2009 at 9:00 a.m. in Courtroom A-402, Fourth Floor of the Alfred A. Arraj U.S. Courthouse, 901 19th Street, Denver, Colorado, 80294. At the Preliminary Scheduling Conference, the court will address the status of the case, the filing of any motions, and what discovery if any is needed. Mr. Whittington and/or his case manager shall arrange for his participation via telephone and shall call (303) 844-2117 at the scheduled time.

DATED at Denver, Colorado, this 31st day of March, 2009.

BY THE COURT:

s/Craig B. Shaffer  
United States Magistrate Judge