

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-cv-01297-PAB-KLM

MALACHI Z. YORK,
a/k/a DWIGHT YORK,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,
MAUREEN CRUZ, former Associate Warden,
JACK FOX, Associate Warden,
BRIAN A. BLEDSOE, Warden,
L. MCDERMOTT, Health Services Specialist,
S. SMITH, SIS Technician,
S. NAFZIGER, MD, Clinical Director,
C.W. WELCH, Physician Assistant,
MICHAEL NALLEY, Regional Director,
D. SHIEFELBEIN, Physician's Assistant,
J.T. SHARTLE, former Associate Warden,
RON WILEY, Warden,
HERMAN O. LYLE, MD, Consultant Internist,
IVAN NEGRON, MD, Medical Director,
RATAEL ROMAN, MD, Clinical Director,
RAIEZ, Health Administrator,
G. HICKS, Physician Assistant,
J.F. CASTILLO, Physician Assistant,
RICK STALLKAMP, Pharmacist,
LAWRENCE LEYBA, DO, Clinical Director,
M. MILLER, Physician Assistant,
A. VINYARD, Physician Assistant,
Y. FETTERHOFF, Imaging Techniques Specialist,
M. SWANN, Practitioner Assistant,
each in his/her individual and official capacity,

Defendants.

MINUTE ORDER

Order Entered by Judge Philip A. Brimmer

This matter is before the Court on plaintiff's motion for reconsideration [Docket No. 138]. Plaintiff repeatedly failed to comply with Local Rule 7.1A's duty to confer, both in filing motions and in responding to defendants' efforts at conferral. See, e.g., Docket Nos. 53, 61, 63, 65, 74, 82, 92, 95, 111, 112, 118, 128. Defendants repeatedly informed plaintiff of the failure. See Docket Nos. 61, 62, 63, 66, 74, 95, 111, 112, 125. Furthermore, the Court repeatedly warned plaintiff regarding his failure, see, e.g., Docket Nos. 70, 94, including specific discussion and counsel by Magistrate Judge Kristen L. Mix. See Docket No. 75.

Despite such warnings, plaintiff filed a motion for extension of time [Docket No. 133] to respond to defendants' motion for summary judgment without properly conferring with opposing counsel. The Court denied the motion for extension due to plaintiff's failure to comply with Local Rule 7.1A [Docket No. 135]. Plaintiff now seeks reconsideration of that Order arguing that his attorney did in fact comply with Local Rule 7.1A because she attempted to contact defense counsel by email and telephone on the day she filed the motion, and defense counsel informed her three days later that there was no objection.

I first note that the motion to reconsider [Docket No. 138] also fails to comply with Local Rule 7.1A; the only certification of compliance with the Rule has to do with the underlying motion for an extension of time. Furthermore, plaintiff was given ample notice of the Court's rules. His disregard for them, as well as for other orders of the Court, supported the Court's denial of the motion for an extension of time. Plaintiff has not demonstrated that the denial was in any way erroneous, nor do I find it so. Therefore, it is

ORDERED that plaintiff's motion for reconsideration [Docket No. 138] is **DENIED**.

Dated January 14, 2009.