

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action No.: 07-cv-02426-CMA-CBS
Date: March 10, 2009

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Linda Kahoe

Parties:

EDDIE DEAN FLUKER

Plaintiff,

Counsel:

Pro se (by telephone)

v.

FEDERAL BUREAU OF PRISONS

Defendant.

Mark S. Pestal

COURTROOM MINUTES/MINUTE ORDER

Telephonic Status Conference

2:04 p.m. Court in session.

Court calls case. Appearances of counsel.

Discussion and clarification between Court, counsel and Plaintiff regarding Defendant's Motion to Dismiss [48] and Plaintiff's Amended Complaint [28].

Plaintiff confirms he is not seeking monetary damages and Mr. Pestal agrees to withdraw Defendant's Motion to Dismiss.

ORDERED: Defendant's oral motion to withdraw Defendant's Motion to Dismiss is granted and Defendant's Motion to Dismiss [48] is withdrawn without prejudice.

Discussion between Court and plaintiff regarding Plaintiff's Motion for Leave to Amend Complaint [53].

Plaintiff agrees to withdraw his motion [53] with permission for leave to refile.

ORDERED: Plaintiff's oral motion to withdraw Plaintiff's Motion for Leave to Amend Complaint, is granted and doc. [53] is withdrawn. Plaintiff has until March 27, 2009 to file a motion for leave to amend complaint.

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Discussion between Court and plaintiff regarding Plaintiff's Motion for an Independent Medical Examination [56].

Plaintiff agrees with Court that the motion is not proper at this time. Plaintiff may refile his motion when an amended complaint is accepted by the Court and the case proceeds.

ORDERED: Plaintiff's Motion for Independent Medical Examination [56], is denied without prejudice.

Court advises plaintiff and counsel of applicable case citations.

2:45 p.m. Court in recess.

Hearing concluded. Total time in court: 41 min.

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