

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
HONORABLE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover
Court Reporter: Paul Zuckerman

Date: November 3, 2009

Civil Action No. 07-cv-02580-MSK-BNB

Parties:

Counsel Appearing:

CHARLES SMITH,

Charles Smith, *pro se*

Plaintiff,

v.

RON LEYBA, WARDEN,

Jennifer Huss

Defendant.

COURTROOM MINUTES

HEARING: Final Pretrial Conference.

4:12 p.m. Court in session.

Plaintiff, *pro se*, is present by telephone. Defense counsel is present with Keith Nordell, Director of Legal Services and Tom Montoya, Deputy Director of Human Resources. Defendant Ron Leyba is not present.

PENDING MOTIONS.

Oral findings and conclusions of law are made of record and incorporated herein.

The Court addresses Plaintiff's Motion to Amend Complaint (**Doc. #26**).

Argument by plaintiff.

ORDER: Plaintiff's Motion to Amend Complaint (**Doc. #26**) is **DENIED**.

The Court addresses Defendant's Motion for Summary Judgment (**Doc. #36**).

Argument by plaintiff.

ORDER: Defendant's Motion for Summary Judgment (**Doc. #36**) is **GRANTED**. The Court dismisses the one remaining claim in this action. Defendant's Motion to Dismiss (**Doc. #31**) is rendered moot by the dismissal of all claims in this action. The Clerk is directed to close the case. The matter is concluded.

4:44 p.m. Court in recess.

Total Time: 32 minutes.

Hearing concluded.