

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 07-cv-02603-REB-KLM

NORBERTO PEREZ AROCHO,

Plaintiff,

v.

HARLEY G. LAPPIN,
RON WILEY, and
S. NAFLINGER,

Defendants.

SECOND ORDER OF REFERENCE TO UNITED STATES MAGISTRATE JUDGE

Blackburn, J.

This matter comes before the Court, *sua sponte* to implement the directions of the Tenth Circuit Court of Appeals in the **Order And Judgment** [#174] filed March 10, 2010, for which the mandate issued April 23, 2010, see [#175].

In its **Order And Judgment** [#174] at 29, the court of appeals provided in relevant part as follows:

Accordingly, the judgment of the district court is AFFIRMED in part and REVERSED in part, and the case is REMANDED for further proceedings consistent with this order and judgment. Specifically, we affirm the dismissal with prejudice of the claims against defendant Wiley, reverse the dismissal of the claims against defendant Lappin, and direct that on remand Mr. Arocho be provided on opportunity to amend his pleadings, if possible, to state a legally sufficient claim against defendant Nafziger.

Thus, this order of reference is issued to implement the directions of the court of appeals.

THEREFORE, IT IS ORDERED that pursuant to 28 U.S.C. § 636(b)(1)(A)-(C), Fed. R. Civ. P. 72 and D.C.COLO.LCivR 72.1C, the United States Magistrate is designated to conduct proceedings in this civil action as follows:

- (X) Convene a scheduling conference under Fed. R. Civ. P. 16(b) and enter a scheduling order meeting the requirements of D.C.COLO.LCivR 16.2.

- (X) Conduct such status conferences and issue such orders necessary for compliance with the scheduling order, including amendments or modifications of the scheduling order upon a showing of good cause.
- (X) Convene such settlement conferences and direct related procedures as may facilitate resolution of this case.
- (X) Hear and determine pretrial matters, as referred.
- (X) Conduct a pretrial conference and enter a pretrial order.
- (X) **As directed by the Tenth Circuit Court of Appeals, provide the plaintiff an opportunity to amend his pleadings, if possible, to state a legally sufficient claim against defendant Nafziger.**

IT IS FURTHER ORDERED that parties and counsel shall be familiar and comply with the undersigned judge's requirements at www.cod.uscourts.gov.

IT IS FURTHER ORDERED that this order of reference supplant the **Order of Reference to United States Magistrate Judge** [#42] entered May 7, 2008.

Dated April 26, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge