

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

NORBERTO PEREZ AROCHO,

Plaintiff,

v.

S. NAFZINGER, Clinical Director, and
HARLEY LAPPIN, Federal Bureau of Prison - Director,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion of Reeconsideration [sic]** [Docket No. 229; Filed March 14, 2011] ("the Motion"). Although the Motion is not entirely clear, Plaintiff appears to be under the misimpression that summary judgment has been entered in favor of Defendants. Defendants' Motion for Summary Judgment [Docket No. 224] remains pending. Therefore, the relief sought by Plaintiff is unnecessary.

IT IS HEREBY **ORDERED** that the Motion is **DENIED**. The Motion for Summary Judgment will be resolved when it has been fully briefed. To that end, a review of the docket reveals that Plaintiff filed a Response in opposition to the Motion for Summary Judgment on March 10, 2011 [Docket No. 228]. However, the Court notes that Plaintiff's Response does not contain any reference to the record or other evidentiary support such as an affidavit. As such, it is deficient on its face. Pursuant to Fed. R. Civ. P. 56(e)(1), "if a party fails to properly support" his position, the Court may "give an opportunity to properly support or address" any material facts that he contends remain in dispute. Accordingly,

IT IS HEREBY **ORDERED** that on or before **April 8, 2011**, Plaintiff shall file a "Supplemental Response to Defendants' Motion for Summary Judgment" which complies with Fed. R. Civ. P. 56(c).

IT IS FURTHER **ORDERED** that Defendants' Reply, if any, shall be due no later than **April 22, 2011**. **Because the trial is set for June 27, 2011, no extensions of these deadlines shall be granted.**

Dated: March 21, 2011