

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 08-cv-00299-PAB-BNB

ERIC MARSHALL,

Plaintiff,

v.

KEVIN MILYARD, Warden,
FLOYD WAID, West CC Manager,
M. NEGLEY, Captain/Shift Commander,
STEVEN BADE, Lt.,
JAMES FRYER, Correctional Officer, and
ANTHONY DECESARO, Grievance Officer,

Defendants.

ORDER

This matter comes before the Court on remand from the United States Court of Appeals for the Tenth Circuit [Docket No. 110]. The appellate court reversed the Court's dismissal of plaintiff's retaliation claim and remanded for further consideration of that claim. Therefore, further proceedings are necessary to resolve this claim.

Accordingly, it is

ORDERED that defendants shall file an opening brief regarding plaintiff's retaliation claim in light of the Tenth Circuit's decision on or before **May 9, 2011**. This brief shall not exceed fifteen pages. It is further

ORDERED that plaintiff shall file a response brief on or before **May 30, 2011**.

This response shall not exceed fifteen pages. It is further

ORDERED that defendants shall file a reply brief on or before **June 27, 2011**.

This reply shall not exceed ten pages.

DATED April 1, 2011.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge