

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

**Civil Action: 08-cv-01233-CMA-CBS**  
**Date: January 9, 2009**

**FTR - Reporter Deck-Courtroom A402**  
**Courtroom Deputy: Cathy Coomes**

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LEROY DAMASIO FRESQUEZ,

*Pro se*

**Plaintiff,**

v.

CORRECTIONAL HEALTHCARE  
MANAGEMENT, *et al.*,

Laura M. Wassmuth  
Writer Mott

**Defendants.**

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**COURTROOM MINUTES/MINUTE ORDER**

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**HEARING: MOTION HEARING**

**Court in session: 9:11 a.m.**

Court calls case. Appearances of defense counsel and *pro se* plaintiff. Also present: Plaintiff's mother.

The court discusses with Plaintiff CHM Defendants' Motion to Dismiss Plaintiff's Medical Negligence Claim (Doc. #78, filed 12/2/08). Plaintiff has not complied with the court's order of December 5, 2008. Plaintiff states that he e-mailed a response to Defendants' attorneys. Ms. Wassmuth provides a copy of the e-mail to the court. The court determines that a certificate of review is not included with the e-mail.

Plaintiff's mother makes statements to the court.

Discussion and argument regarding Defendant Deputy Baldwin, Sergeant Doe, and Lieutenant Doe's Combined Motion and Brief to Dismiss (Doc. #24, dated 8/22/08).

Discussion and argument regarding CHM Defendants' Combined Motion and Brief to Dismiss (Doc. #54, filed 10/1/08).

**ORDERED: The court grants in part Plaintiff's oral request for an extension of time. Plaintiff shall have until January 29, 2009, to file a Certificate of Review from an appropriate medical professional, supporting his medical malpractice claim. There will be no further extensions of this deadline. If Plaintiff does not comply with the court's order, the court will recommend dismissal of his case. The court finds that the *pro se* Plaintiff does not fully understand the legal requirements imposed by the statute. The court further**

**finds, based on Plaintiff's representations of financial need, that there is sufficient compelling circumstances to justify a further extension.**

The court takes the Motions to Dismiss (Docs. 24, 54, and 78) under advisement.

HEARING CONCLUDED.

**Court in recess: 10:46 a.m.**

Total time in court: 01:35

To order transcripts of hearings with Magistrate Judge Shaffer, please contact Avery Woods Reporting at (303) 825-6119 or toll free at 1-800-962-3345.