

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
MAGISTRATE JUDGE MICHAEL E. HEGARTY

Civil Action No. 08-cv-01586-LTB-MEH  
Courtroom Deputy: Cathy Coomes

Date: April 2, 2009  
FTR – Courtroom C203

DANNY O. DANIELS,

*Pro Se* (by telephone)

Plaintiff,

vs.

COLORADO DEPARTMENT OF CORRECTIONS,  
PHILLIP TEDESCI, in his individual capacity,  
PHILLIP TEDESCI, in his official capacity,  
ARISTEDES ZAVARAS, in his individual capacity,  
ARISTEDES ZAVARAS, in his official capacity,  
BURL MCCULLAR, in his individual capacity,  
BURL MCCULLAR, in his official capacity,  
JAMES MICHAUD, in his individual capacity, and  
JAMES MICHAUD, in his official capacity,

Nicole S. Gellar

Defendants.

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**COURTROOM MINUTES/MINUTE ORDER**

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**TELEPHONIC MOTION HEARING – Plaintiff’s Motion for a Temporary Restraining Order and Preliminary Injunction (Doc. #37, filed 1/26/09)**

**Court in session: 1:39 a.m.**

Court calls case. Appearances of *pro se* Plaintiff and counsel.

1:41 p.m. Plaintiff makes opening statements.

1:47 p.m. Ms. Gellar makes opening statements.

1:53 p.m. Plaintiff, Danny O. Daniels, is sworn, testifies, and is questioned by the Court.

2:29 p.m. Plaintiff is cross-examined by Ms. Gellar and further questioned by the Court.

2:32 p.m. Plaintiff further testifies to the Court.  
Discussion regarding documents attached to the Motion and Plaintiff’s Motion for Extension of Time (Doc. #62, filed 3/30/09) and Plaintiff’s Motion for Service Out of Time (Doc. #64, filed 4/1/09).

**ORDERED:** Plaintiff's Motion for Extension of Time (Doc. #62, filed 3/30/09) is GRANTED. Plaintiff shall file his response to Defendants' Motion to Dismiss **no later than April 26, 2009.**

Plaintiff's Motion for Service Out of Time has not been referred to this Court for ruling, so no order will be entered.

3:06 p.m.      The plaintiff rests.  
Plaintiff is examined by Ms. Gellar.  
Discussion regarding Plaintiff filing a reply to Defendants' response to Plaintiff's Motion for Temporary Restraining Order.

**ORDERED:** Plaintiff shall file his reply to Defendants' response to the Motion for Temporary Restraining Order **no later than April 16, 2009.**

3:14 p.m.      Ms. Gellar presents closing argument.

3:21 p.m.      Plaintiff presents closing argument.

The Court takes Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction (Doc. #37, filed 1/26/09) is taken under advisement.

**Court in recess:      3:25 p.m. (Hearing concluded)**  
**Total time in court: 2:46**