

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-01683-WYD-MEH

PHILIP J. MCDONALD,

Plaintiff,

v.

CITY OF COLORADO SPRINGS,
GORDON GOLDSTON, in his individual and official capacities, and
RICHARD W. MYERS, in his individual and official capacities,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on September 30, 2009.

Defendants' Amended Motion for Leave to Amend Answer and Affirmative Defenses to Correct Clerical Mistakes [filed September 28, 2009; docket #41] is **denied without prejudice** with leave to re-file. In order to determine whether the interests of justice require granting leave to amend, the Court instructs Defendants to include the proposed Amended Answer and Affirmative Defenses as an exhibit to their motion.

The Motion for Leave to Correct Clerical Mistake in Defendants' Answer and Affirmative Defenses [filed September 15, 2009; docket #32] is **denied as moot**, pursuant to Defendants' representations in their reply. (*See* docket #40.)