

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02505-PAB-CBS

CASEY BERNARD RODRIGUEZ,
Plaintiff,

v.

WILEY, *et al.*,
Defendants.

ORDER

Magistrate Judge Craig B. Shaffer

This civil action comes before the court on: (1) Mr. Rodriguez' "Motion for Leave to File Amended Complaint" (filed June 1, 2009) (doc. # 53); and (2) Mr. Rodriguez' "Notice of Errors and Request for Sanctions for and Correction of Defendants['] Response to Plaintiff's Motion for Injunctive Relief" (filed May 8, 2009) (doc. # 49) (docketed by the Clerk of the Court as "Motion for Sanctions"). Pursuant to the Order of Reference dated December 16, 2008 (doc. # 7) and the memoranda dated May 11, 2009 (doc. # 51) and June 2, 2009 (doc. # 54), these matters were referred to the Magistrate Judge. The court has reviewed the matters, the entire case file, and the applicable law and is sufficiently advised in the premises.

I. As Defendants have not yet filed a "responsive pleading," Mr. Rodriguez may amend his "pleading once as a matter of course." Fed. R. Civ. P. 15(a). On June 9, 2009, Defendants Wiley and Gladbach filed their Answer to the Amended Complaint. (See doc. # 55). The court will address service of the newly added Defendants in a separate Order.

II. In his request for sanctions, Mr. Rodriguez takes exception to what he calls "errors" in the Declaration of Defendant Allred, attached to "Defendants' Response in Opposition to

Plaintiff[s] Motion for Injunctive Relief.” (See docs. # 46, # 46-2). Mr. Rodriguez’ disagreement with the representations made in the Declaration of Defendant Allred and Defendants’ Response in Opposition to Plaintiff’s Motion for Injunctive Relief is duly noted as his Reply to Defendants’ Response. Mr. Rodriguez’ disagreement is not a proper basis for sanctions.

Accordingly, IT IS ORDERED that:

1. Mr. Rodriguez’ “Motion for Leave to File Amended Complaint “ (filed June 1, 2009) (doc. # 53) is GRANTED.

2. The proposed Amended Complaint (doc. # 53-2) is accepted for filing *nunc pro tunc* on June 1, 2009.

3. Mr. Rodriguez’ “Notice of Errors and Request for Sanctions for and Correction of Defendants['] Response to Plaintiff’s Motion for Injunctive Relief“ (filed May 8, 2009) (doc. # 49) (docketed by the Clerk of the Court as “Motion for Sanctions”) is DENIED as a motion and shall be treated as his Reply to Defendants’ Response in Opposition to Plaintiff’s Motion for Injunctive Relief (doc. # 46).

DATED at Denver, Colorado, this 10th day of June, 2009.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge