

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00224-MSK-MJW

SCOTT FIRTH,

Plaintiff,

v.

JONI SHOEMAKER,  
PEGGY HEIL,  
JOE STOMMEL,  
BURL McCULLAR,  
SAMUEL DUNLAP,  
CHRISTINE TYLER,  
DWIGHT MARTINEZ,  
PAT MOSHURE,  
JACULYN MAUS,  
LENNY WOODSON, and  
TINA VALDEZ,

Defendants.

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Plaintiff's Motion for Default Judgment (Docket No. 140) is denied. Plaintiff essentially seeks to have the court find that defendants have confessed plaintiff's motion for summary judgment (Docket No. 131) because defendants have allegedly not filed a response. Defendants, however, did file their Response to the summary judgment motion on March 23, 2011 (see Docket No. 136). In fact, plaintiff filed a letter with the court (Docket No. 139) noting that after he deposited Docket No. 140 in the mail, he returned to his cell and was served with the defendants' Response. Thereafter, plaintiff filed a Reply (Docket No. 142). There is thus no basis in law or in fact for the plaintiff's motion (Docket No. 140).

Date: June 9, 2011

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