

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00285-DME-MJW

GEORGE BANKS,

Plaintiff,

v.

CAPTAIN HODAK,

Defendant.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

IT IS HEREBY ORDERED that in view of the exhibits and affidavits attached to the Defendant's Motion to Dismiss Plaintiff's Complaint (Docket No. 58), in accordance with Fed. R. Civ. P. 12(d), the Defendant's motion is hereby converted to a motion for summary judgment pursuant to Fed. R. Civ. P. 56. It is thus further

ORDERED that on or before October 20, 2009, either party may submit to the court additional briefing on the motion, may submit additional materials, and may respond to the materials already submitted with any "material that is pertinent to the [Rule 56] motion."

It is further ORDERED that in view of this court's Minute Order of September 28, 2009 (Docket No. 90), the plaintiff's Motion to (Magistrate Judge Michael J. Watanabe [sic]) (Face to Face request) To Talk To the Court (Docket No. 94) is denied.

Date: October 6, 2009
