

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00537-WYD-KLM

JACOB IND,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS;
SUSAN JONES;
MARY NELL MCCORMICK;
MCCAIN HILDEBRAND;
RENE OLIVETT;
JAMES W. BROWN; and
ANTHONY DECESARO,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion to Strike or to Sanction** [Docket No. 60; Filed November 27, 2009] (the "Motion").

In the Motion, Plaintiff objects to the Reply filed by Defendants in support of their Motion to Dismiss [Docket 59; Filed November 24, 2009]. Defendants requested an eight-day extension of time in which to file their reply [Docket No. 56], which the Court granted [Docket No. 58]. Plaintiff asserts that in their request for an extension, Defendants misstated the date on which Plaintiff filed his response to their Motion to Dismiss. Specifically, in the Motion, Defendants state that Plaintiff filed his response on October 28, 2009. Plaintiff says this is incorrect because he filed it on October 21, 2009. According to Plaintiff's certificate of service on his Response, he mailed the Motion on October 21, 2009. See Docket No. 52. However, the date-stamp on the Response shows it was filed and entered into the record of this case on October 28, 2009. *Id.* Defendants' request for an extension was timely. Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **DENIED**.

Dated: March 22, 2010