

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00558-CMA-CBS

TERRY L. NICHOLS,
Plaintiff,
v.

UNITED STATES OF AMERICA,
FEDERAL BUREAU OF PRISONS,
HARLEY LAPPIN,
JANE DOE,
MICHAEL NALLEY,
MS. PERRY,
RON WILEY,
ROD BAUER,
DR. LAWRENCE LEYBA, M.D.,
DR. STEPHEN NAFZIGER, M.D.,
N. GLADBACH,
M.A. KELLAR,
M. SCHAPPAUGH,
D. SCHIEFELBEIN,
UNKNOWN ADX STAFF ACTORS,
MR. JONES (DERRICK),
DARRON GALL, and
KEITH POWLEY,
Defendants.

ORDER

Magistrate Judge Craig B. Shaffer

This civil action comes before the court on "Plaintiff's Motion Requesting Court to Serve Defendants in Their Individual Capacities" (filed July 14, 2009) (doc. # 51).

Pursuant to the Order of Reference dated April 28, 2009 (doc. # 17) and the memorandum dated July 15, 2009 (doc. # 52), this matter was referred to the Magistrate Judge. The court has reviewed the matter, the entire case file, and the

applicable law and is sufficiently advised in the premises.

As explained in “Defendants’ Motion to Extend the Time to Respond to the Complaint and to Set a Consolidated Response Date,” if representation requests to the Department of Justice are approved, “it is anticipated that undersigned defense counsel will represent [Defendants] in their individual capacity. . . .” (See doc. # 40 at p. 3 of 6). Accordingly,

IT IS ORDERED that “Plaintiff’s Motion Requesting Court to Serve Defendants in Their Individual Capacities” (filed July 14, 2009) (doc. # 51) is DENIED as premature and unnecessary.

DATED at Denver, Colorado this 20th day of July, 2009.

BY THE COURT:

s/ Craig B. Shaffer
United States Magistrate Judge