

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.

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ORDER

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Magistrate Judge Craig B. Shaffer

This civil action comes before the court on "Plaintiff's Motion for Leave to File a 2nd Amended Complaint" (filed August 24, 2009 ) (doc. # 62). Pursuant to the Order of Reference dated April 28, 2009 (doc. # 17) and the memorandum dated August 24, 2009 (doc. # 64), this matter was referred to the Magistrate Judge. The court having reviewed the matter, Defendants' Response (filed August 26, 2009) (doc. # 65), the

entire case file, and the applicable law and being sufficiently advised in the premises, IT IS ORDERED that:

1. "Plaintiff's Motion for Leave to File a 2nd Amended Complaint" (filed August 24, 2009 ) (doc. # 62) is GRANTED. The Second Amended Complaint (doc. # 62-2) is accepted for filing as of the date of this Order.

2. Pursuant to the Second Amended Complaint, Defendants United States of America, Jane Doe, Ms. Perry, Dr. Lawrence Leyba, M.D., N. Gladbach, M.A. Kellar, M. Schappaugh, D. Schiefelbein, Unknown ADX Staff Actors, and Darron Gall are dropped from this civil action.

3. Pursuant to the Second Amended Complaint, this civil action shall proceed against Defendants Federal Bureau of Prisons, Harley Lappin, Michael Nalley, Ron Wiley, Rod Bauer, Dr. Stephen Nafziger, M.D., Derrick Jones, and Keith Powley.

4. Defendants may answer or otherwise respond to the Second Amended Complaint on or before September 30, 2009.

5. In light of the filing of the Second Amended Complaint, the "Motion to Dismiss the Amended Complaint by Defendants United States of America and the Federal Bureau of Prisons Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6)" (filed July 27, 2009) (doc. # 56) is MOOTED, without prejudice to refile as appropriate.

DATED at Denver, Colorado this 27th day of August, 2009.

BY THE COURT:

s/ Craig B. Shaffer  
United States Magistrate Judge