

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 09–cv-00907-ZLW-KMT

GARY H. FUGATE,

Plaintiff,

v.

KEVIN ESTEP,
EMILY BOND,
BRET YOUNGBLOOD,
REBBECA ADKINS, and
STACY SMITH, in their individual and official capacities,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

“Defendants’ Objection to Plaintiff’s September 23, 2009, Answer to Motion to Dismiss” (#36, filed October 9, 2009), converted into a motion to strike (#37), is DENIED. The court notes that neither the Federal Rules of Civil Procedure nor this Court’s local rules of procedure provide for the filing of surreply briefs. *See* D.C.COLO.LCivR 7.1C. However, a party may seek leave of court to file a surreply brief. In the interests of justice, the court shall allow Plaintiff’s September 23, 2009 “Answer to Motion to Dismiss” (#30) as a surreply brief. Defendants may file a surresponse no later than October 26, 2009. **NO FURTHER BRIEFING WILL BE GRANTED ON THIS MOTION.** In the future, Plaintiff shall file a motion seeking leave of court to file a surreply.

Dated: October 16, 2009