

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 09-cv-00983-WYD-KLM

WELLMAN E. GIBSON,

Plaintiff,

v.

ANNA MARIE CAMPBELL,
C. HOLST, AIC,
SHIRLEY STEINBECK,
MARSHALL GRIFFITH,
LT. STEINBECK, and
DOCTOR ASSEN,

Defendants.

ORDER

This matter is before the Court on a review of the file and pending motions. By way of background, this case was originally set for a three-day bench trial to commence on June 24, 2013. On June 12, 2013, I issued an Order directing the parties to show cause at the Final Trial Preparation Conference set for June 18, 2013, whether the case was trial-ready or whether the trial should be continued. (ECF No. 385.) This was due to the fact that there were a number of recently pending motions to which responses had not yet been, including Defendants' Motion to Dismiss All Remaining Claims on Mootness Grounds filed on June 5, 2013.

At the Final Trial Preparation Conference, I found the case was not ready for trial and vacated the trial date. A discussion was had as to the possible appointment of counsel for Plaintiff under the Court's Pilot Program to Implement a Civil Pro Bono

Panel which became effective on July 1, 2013, and Plaintiff indicated a desire to have volunteer counsel appointed. I stayed briefing on the pending motions until the appointment of volunteer counsel could be determined.

On July 10, 2013, an Appointment Order was issued, ordering that the Clerk select, notify, and appoint counsel to represent Plaintiff. (ECF No. 392.) On August 25, 2013, a Notice of Appointment was filed, stating that the law firm of Roberts Levin Rosenberg, P.C., with attorney Elisabeth L. Owen acting as liaison attorney for the firm, was selected as counsel in this matter. (ECF No. 404.) On September 20, 2013, Ms. Owen filed an Entry of Appearance. (ECF No. 407.) Also on September 20, 2013, Ross B.H. Buchanan and Timothy M. Garvey of Roberts Levin Rosenberg, P.C. filed Entries of Appearance. (ECF Nos. 408-09.)

In light of the entry of counsel in this case on behalf of Plaintiff, it is now appropriate to order briefing on the motion to dismiss. Accordingly, Plaintiff's counsel shall file a response to Defendants' Motion to Dismiss All Remaining Claims on Mootness Grounds by Monday, November 4, 2013. The reply shall be filed in accordance with the deadline in D.C.COLO.LCivR 7.1C. A hearing on the motion to dismiss and status conference is set for Thursday, February 6, 2014, at 10:00 a.m. If the motion to dismiss is denied at the hearing, a trial date will be set at that time.

Finally, there are a number of pending motions filed by pro se Plaintiff. (See ECF Nos. 373, 374, 377, 384, 389, and 401.) By Monday, October 14, 2013, Plaintiff's counsel shall file a notice with the Court indicating which of Plaintiff's pro se motions, including Plaintiff's Request to the Court which is the subject of a Recommendation of United States Magistrate Judge filed July 12, 2013 (ECF No. 393), are adopted by

counsel and which are moot. If a notice is not filed by October 14, 2013, I will assume that all the pro se motions are moot and they will be denied.

III. CONCLUSION

Based upon the foregoing, it is

ORDERED that a response to Defendants' Motion to Dismiss All Remaining Claims on Mootness Grounds shall be filed by **Monday, November 4, 2013**. It is

FURTHER ORDERED that a hearing on Defendants' motion to dismiss and a status conference is set for **Thursday, February 6, 2014, at 10:00 a.m.** It is

FURTHER ORDERED that Plaintiff's counsel shall file a notice with the Court by **Monday, October 14, 2014**, indicating which of Plaintiff's pro se motions are adopted by counsel and which are moot. If a notice is not filed by October 14, 2013, all the *pro se* motions will be deemed moot and denied.

Dated: October 4, 2013

BY THE COURT:

s/ Wiley Y. Daniel _____
Wiley Y. Daniel
Senior United States District Judge