

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01074-ZLW-MEH

QUDSIA QURAISHI, Ph.D.,

Plaintiff,

v.

CARLOS M. GUTIERREZ, Secretary, Department of Commerce,

Defendant.

NOTICE OF CONVERSION TO SUMMARY JUDGMENT

Pending before the Court is Defendant's Motion to Dismiss [docket #17]. Because Defendant has filed the motion pursuant to Fed. R. Civ. P. 12(b)(6) and wishes to support the motion with documents outside the pleadings, it is proper to inform the parties that the Court will convert the Motion to Dismiss into a Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56. *See David v. City & County of Denver*, 101 F.3d 1344, 1352 (10th Cir. 1996). Consequently, the Plaintiff shall file a response to the motion **on or before December 10, 2009**, and may respond to the materials already submitted by the Defendant with "all the material that is pertinent to the motion." Fed. R. Civ. P. 12(d) (2009). Defendant may file a reply to the Plaintiff's response within fifteen (15) days after the response is filed.

Dated at Denver, Colorado, this 17th day of November, 2009.

BY THE COURT:



Michael E. Hegarty
United States Magistrate Judge