

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01189-WDM-KLM

GERALD SCHLENKER,

Plaintiff,

v.

CITY OF ARVADA, COLORADO,  
CHARLES J. HUMPHREY, in his individual capacity,  
JOSEPH HERTEL, in his individual capacity,  
KELLY SHEEHAN, in his individual capacity,

Defendants.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on **Plaintiff's Motion to Permit Further Discovery Pursuant to Federal Rule of Civil Procedure 56(f)** [Docket No. 113; Filed January 6, 2010] (the "Motion").

Defendants Sharp and Patel filed a Motion to Dismiss Plaintiff's §1983 Claims Against Them [Docket No. 43; Filed August 6, 2009] ("Motion No. 43"). In its Order of December 9, 2009 [Docket No. 108], the Court indicated that it would convert Defendants' Motion to Dismiss into a Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 12(d). In the instant Motion, Plaintiff requests an extension of time in which to file his response.

Pursuant to Fed. R. Civ. P. 41(a), Plaintiff and Defendants Sharp and Patel now have filed a Stipulation of Dismissal with Prejudice of Defendants William Sharp, M.D. and Lisa Patel, M.D. Only [Docket No. 131; Filed March 3, 2010]. Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **DENIED as moot**.

Dated: March 4, 2010