

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
MAGISTRATE JUDGE MICHAEL E. HEGARTY

Civil Action No. 09-cv-01380-MSK-MEH
Courtroom Deputy: Cathy Coomes

Date: March 4, 2010
FTR – Courtroom C203

DARRELL L. HAVENS,

Pro Se (by telephone)

Plaintiff,

v.

WILLIAM JOHNSON,

Roberto Ramirez

Defendant.

COURTROOM MINUTES/MINUTE ORDER

TELEPHONIC PRELIMINARY SCHEDULING/STATUS CONFERENCE

Court in session: 9:39 a.m.

Court calls case. Appearances of *pro se* Plaintiff by telephone and counsel.

Discussion regarding Plaintiff's parole status, Defendant's Motion to Dismiss Based on the Statute of Limitations and Fed. R. Civ. P. 12(b)(6) [Doc. #24, filed 11/12/2009], and Defendant's Request to Rule on Motion to Dismiss (Doc. #31, filed 1/25/2010).

Plaintiff states that did not receive a copy of Defendant's Motion to Dismiss. A copy of the Motion to Dismiss will be sent to Plaintiff, along with a copy of the Courtroom Minutes/Minute Order.

Discussion regarding Plaintiff's Motion Requesting Court Order to Fort Lyon Correctional Facility Legal Representative to Allow all Future Conferences Via Telephone (Doc. #40, filed 3/3/2010).

The Court will not set a discovery schedule in this case at this time.

ORDERED: 1. Defendant's Request to Rule on Motion to Dismiss (Doc. #31, filed 1/25/2010) is DENIED as premature.

2. Plaintiff shall file a response to Defendant's Motion to Dismiss on or before **April 12, 2010**. Defendant shall file a reply on or before **April 23, 2010**.
3. The Telephonic Preliminary Scheduling/Status Conference is RESET to **May 6, 2010, at 9:30 a.m.** Plaintiff **shall** participate in this conference by telephone. Plaintiff and his case manager, or a representative of the facility, **shall** contact the Court at (303) 844-4507 on the above date and time in order to participate.
4. Plaintiff's Motion Requesting Court Order to Fort Lyon Correctional Facility Legal Representative to Allow all Future Conferences Via Telephone (Doc. #40, filed 3/3/2010) is DENIED as moot, as it is the facility's obligation to accommodate Plaintiff's telephonic appearances for hearings set by the Court while in custody.

Plaintiff is reminded to file a Notice of Change of Address with the Court if he is transferred to another facility or is released from custody.

The Court states that no discovery will be submitted until after the preliminary scheduling/status conference has taken place.

Court in recess: 9:59 a.m. (Hearing concluded)
Total time in Court: 0:20