

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01380-MSK-MEH

DARRELL L. HAVENS,

Plaintiff,

v.

WILLIAM JOHNSON, Arvada Police Detective,

Defendant.

NOTICE OF CONVERSION TO SUMMARY JUDGMENT

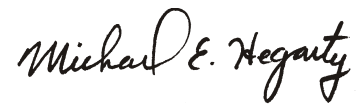
Pending before the Court is Defendant's Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) ("Motion"), alleging that Plaintiff fails to state a claim upon which relief may be granted because he filed his lawsuit against Defendant outside the applicable statute of limitations [docket #24]. Plaintiff timely filed a response and Defendant his reply brief. With his response, the Plaintiff attached several letters and other documents in support of his position.

Because the Plaintiff wishes to support his response to the Motion to Dismiss 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, either party may submit any additional briefing on the Motion, and in such additional briefing, the parties may respond to the materials already submitted by the Plaintiff with any "material that is pertinent to the motion." Fed. R. Civ. P. 12(d).

Therefore, it is ORDERED that any additional briefing by either party must be submitted on or before **May 7, 2010**.

Dated at Denver, Colorado, this 23rd day of April, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive style with a large initial 'M' and 'H'.

Michael E. Hegarty
United States Magistrate Judge