

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01972-WYD-MJW

JOSEPH J. FLEMING,

Plaintiff,

v.

CAMACHO,
CURTIS, and
DR. C.L. POLLAND,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

Before the court is the pro se plaintiff's Motion for Leave to File Plaintiff's Fourth Amended Complaint (Docket No. 99). In response (Docket No. 110), defendants state that although the motion is untimely, they do not oppose the amendment as long as the "Unknown Supervisor, ADX" is stricken as a defendant and the complaint's caption is revised to read "Third Amended Complaint." Substantially for the reasons stated in the response (Docket No. 11), and in view of plaintiff's recent voluntary dismissal of the "Unknown Supervisor" (see Docket Nos. 125 and 129), albeit without prejudice, it is hereby

ORDERED that the plaintiff's Motion for Leave to File Plaintiff's Fourth Amended Complaint (**Docket No. 99**) is granted to the extent that the tendered "Fourth Amended Complaint" (Docket No. 99-1) shall be filed as of the date of this Minute Order as the Third Amended Complaint and with defendant "Unknown Supervisor, ADX" stricken from the caption and body of the pleading.

Date: September 23, 2010
