

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 09-cv-02325-ZLW-BNB

EDWARD ALLEN,

Plaintiff,

v.

ARISTEDES ZAVARAS,  
SARGENT FRACKMORE,  
SARGENT BOATWRIGHT,  
OFFICER S. VIGIL, and  
LT. STANGER,

Defendants.

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**ORDER**

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This matter arises on the following:

1. Plaintiff's **Motion to Strike** [Doc. #36, filed 06/21/2010], and
2. Plaintiff's **Motion to Strike Motion for Summary Judgment by the Defence** [sic] [Doc. #41, filed 07/15/2010].

The motions are frivolous and are DENIED.

The plaintiff seeks an order striking as untimely the defendants' motion for summary judgment and the defendants' response to his motion for summary judgment. He alleges that the defendants' response to his motion for summary judgment was placed in the United States mail five days after the date certified by the defendants. He further alleges that the defendants' motion for summary judgment was placed in the United States mail three days after the date certified by the defendants.

As proof of the defendants' untimeliness, the plaintiff cites to exhibits that are not attached to the motions. In addition, the plaintiff does not claim any prejudice suffered as a result of the defendants' alleged tardiness.

IT IS ORDERED that the Motions are DENIED.

Dated February 16, 2011.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge