

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn

Civil Case No. 09-cv-02498-REB-MEH

GIOVANNI LARATTA

Plaintiff,

v.

CHRIS BARR, and
SUSAN JONES,

Defendant.

ORDER ADOPTING RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE

Blackburn, J.

This matter is before me on the following: (1) the **Recommendation To Modify Case and Trial** Schedule [#102] filed October 10, 2010; and (2) the **Defendants' Motion for Extension of Time To File Jury Instructions** [#104] filed November 3, 2010. No objections to the recommendation have been filed and, therefore, I review it only for plain error. **See *Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10th Cir. 2005).¹ Finding no such error in the magistrate judge's recommended, I find and conclude that the recommendation should be approved and adopted. I deny the motion for extension of time as moot.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation To Modify Case and Trial** Schedule [#102] filed October 10, 2010, is **APPROVED AND ADOPTED** as an order of this court;
2. That the **First Amended Prisoner Complaint Consistent With Order** [#99] filed

¹ This standard pertains even though plaintiff is proceeding *pro se* in this matter. ***Morales-Fernandez***, 418 F.3d at 1122.

October 12, 2010, is **ACCEPTED** for filing as the operative complaint;

3. That the defendants **SHALL FILE** a response to the amended complaint [#99] on or before November 19, 2010;

4. That the dispositive motions deadline is **EXTENDED** to December 6, 2010;

5. That the magistrate judge shall schedule a Final Pretrial Conference on a date suitable to the magistrate judge;

6. That the Trial Preparation Conference scheduled for December 3, 2010 and the Jury Trial scheduled for December 13, 2010, are **VACATED** and **CONTINUED** pending further order of court;

7. That on **November 17, 2010**, at 10:00 a.m., the court shall conduct a telephonic setting conference to reset the Trial Preparation Conference and jury trial in this matter;

8. That counsel for the defendant shall arrange, initiate, and coordinate the conference call necessary to facilitate the setting conference;

9. That given the defendants named in the caption of the **First Amended Prisoner Complaint Consistent With Order** [#99] filed October 12, 2010, the caption of this case is **AMENDED** to identify the defendants as Jim Brown and Susan Jones; and

10. That the **Defendants' Motion for Extension of Time To File Jury Instructions** [#104] filed November 3, 2010, is **DENIED** as moot.

Dated November 5, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge