

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.

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ORDER CONCERNING RECOMMENDATIONS OF THE  
UNITED STATES MAGISTRATE JUDGE & MOTIONS OF THE PLAINTIFF

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**Blackburn, J.**

This matter is before me on the following: (1) the plaintiff's **Motion for Leave To File Amended Complaint** [#61] filed July 16, 2010; (2) the **Recommendation on Second Motion To Amend** [#79] filed September 8, 2010; (3) the plaintiff's **Motion for Reconsideration** [#87] filed September 20, 2010; (4) the **Recommendation on Motion for Reconsideration** [#92] filed September 27, 2010; (5) the plaintiff's **Motion for Order on Recommendation** [#117] filed November 26, 2010; and 6) the **Motion for Order on Recommendation on Motion for Reconsideration** [#118] filed November 30, 2010.

Each of these motions and the two recommendations concern the plaintiff's efforts to file an amended complaint in this case. On November 5, 2010, I entered an order [#105] accepting for filing the plaintiff's **First Amended Prisoner Complaint Consistent With Order** [#99] October 12, 2010. The defendants filed an answer [#111] and a motion for summary judgment [#115]. The plaintiff filed a response [#126] to the motion for summary judgment. With the acceptance of the plaintiff's **First Amended Prisoner Complaint Consistent With Order** [#99] as the operative complaint, the plaintiff's motion to amend his complaint [#61] and his motion for

reconsideration [#87] were rendered moot, as were the magistrate judge's recommendations on those motions. The same is true of the plaintiff's two motions for reconsideration [#117 & #118], which motions concern the plaintiff's efforts to amend his complaint.

**THEREFORE, IT IS ORDERED** as follows:

1. That the plaintiff's **Motion for Leave To File Amended Complaint** [#61] filed July 16, 2010, is **DENIED** as moot;
2. That the **Recommendation on Second Motion To Amend** [#79] filed September 8, 2010, is **TERMINATED** on the docket as moot;
3. That the plaintiff's **Motion for Reconsideration** [#87] filed September 20, 2010, is **DENIED** as moot;
4. That the **Recommendation on Motion for Reconsideration** [#92] filed September 27, 2010, is **TERMINATED** on the docket as moot;
5. That the plaintiff's **Motion for Order on Recommendation** [#117] filed November 26, 2010, is **DENIED** as moot; and
6. That the **Motion for Order on Recommendation on Motion for Reconsideration** [#118] filed November 30, 2010, is **DENIED** as moot.

Dated February 14, 2011, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge