

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 10-cv-00320-PAB-KMT

MARK ALAN STREPKA,

Plaintiff,

v.

SERGEANT GERALD JONSGAARD, Individually and his official capacity as Aurora City Police Officer, and  
CITY OF AURORA, COLORADO, a second class city and a municipal corporation of Colorado,

Defendants.

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**MINUTE ORDER**

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**ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA**

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“Plaintiff’s Request to: Strike Defendants’ Response to Plaintiff’s Motion to Compel, or in the Alternative: Plaintiff’s Reply to Defendants’ Response” (# 55, filed October 21, 2010) is DENIED in part and GRANTED in part. Plaintiff has identified no prejudice from Defendants’ one business day late filing, and none is apparent from the record. The delay here was not extensive and has no significant impact on the proceedings. The failure to file on time appears to have been due to simple inadvertence, and there is no suggestion or showing of bad faith. The court finds the defendants have shown excusable neglect. *See City of Chanute v. Williams Nat. Gas Co.*, 31 F.3d 1041, 1046 (10th Cir. 1994). As such, Plaintiff’s Motion to Strike is DENIED, and Defendants’ Response (Doc. No. 54) will be considered. Plaintiff’s request, in the alternative, to consider his Reply (Doc. No. 55) is GRANTED. The Clerk of Court is directed to docket Doc. No. 55 as a reply to Doc. No. 49.

Dated: November 1, 2010