

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**Civil Action No. 10-cv-00772-MSK-MJW**  
**(As consolidated with 11-cv-01132-REB-MJW)**

ROEL ESPEJO CAMAYO; and,  
JUVENCIO SAMANIEGO DAMIAN,

Plaintiff(s),

v.

JOHN PEROULIS & SONS SHEEP, INC.;  
LOUIS PEROULIS;  
STANLEY PEROULIS; and,  
CRISOLOGO DAMIAN,

Defendant(s).

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CONSOLIDATED WITH

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Civil Action No. 11-cv-01132-MSK-MJW

JHOSEMAR SAMANIEGO FERNANDEZ; and  
SILVIO INGA BRUNO,

Plaintiffs,

v.

JOHN PEROULIS & SONS SHEEP, INC.;  
LOUIS PEROULIS; and,  
STANLEY PEROULIS;

Defendants.

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that Plaintiffs' Motion to Compel Defendant Crisologo Damian to Make Disclosures (docket no. 71) is **GRANTED**. Pro Se Defendant Crisologo Damian shall provide Plaintiff with his Fed. R. Civ. P. [Rule] 26(a)(1)

disclosures **on or before April 30, 2012.**

On December 16, 2011, this court conducted a Rule 16 Scheduling Conference. The Pro Se Defendant Crisologo Damian appeared at the Rule 16 Scheduling Conference. This court entered a First Amended Scheduling Order (docket no. 67) on December 16, 2011. In paragraph 6 d. in the First Amended Scheduling Order (docket no. 67), this court ordered the parties to exchange their Rule 26(a)(1) disclosures by December 30, 2011. To date, Pro Se Defendant Crisologo Damian has not served Plaintiffs with his Rule 26(a)(1) disclosures. Moreover, Pro Se Defendant Crisologo Damian has not filed any timely response to the subject motion (docket no. 71) and therefore this court deems the motion confessed. Each party shall pay their own attorney fees and costs for this motion.

It is **FURTHER ORDERED** that Plaintiffs' Motion to Compel Defendant [Crisologo] Damian to File Answer (docket no. 72) is also **GRANTED**. At the Rule 16 Scheduling Conference held on December 16, 2011, this court ordered Pro Se Defendant Crisologo Damian to answer or otherwise respond to the Amended Complaint by January 17, 2012. See docket nos. 65 and 67. To date, Pro Se Defendant Crisologo Damian has not filed an answer or otherwise responded to the Amended Complaint. Furthermore, Pro Se Defendant Crisologo Damian has not filed any timely response to the subject motion (docket no. 72), and therefore this court deems the motion confessed. Accordingly, the Pro Se Defendant Crisologo Damian shall file an answer or otherwise respond to the Amended Complaint **on or before April 30, 2012, or be subject to DEFAULT**. Each party shall pay their own attorney fees and costs for this motion.

Pro Se litigants must "comply with the fundamental requirements of the Federal Rules of Civil . . . Procedure." Odgen v. San Juan County, 32 F.3d 452, 455 (10th Cir. 1994). The fact that a party is appearing pro se does not relieve that individual from the obligation of complying with all applicable rules of the court. Nielson v. Price, 17 F.3d 1276, 1277 (10<sup>th</sup> Cir. 1994) (pro se plaintiffs are held to the same rules of procedure which apply to other litigants); Hall v. Doering, 997 F. Supp. 1464, 1468 (D. Kan. 1998); People v. Carter, 678 F. Supp. 1484, 1490 (D. Colo. 1986). It is not the proper function of the district court to assume the role of advocate for the pro se litigant. Gibson v. City of Cripple Creek, 48 F.3d 1231 (10<sup>th</sup> Cir. 1995).

Date: April 12, 2012