

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 10-cv-01134-PAB-KMT  
(consolidated with 11-cv-00010-PAB-KMT)

GEORG K. HILL,  
  
Plaintiff,

v.

THE CITY OF AURORA, COLORADO, a municipal corporation,  
  
Defendant.

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**ORDER**

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This matter is before the Court on plaintiff's objection [Docket No. 101] to Magistrate Judge Kathleen M. Tafoya's June 14, 2011 Order [Docket No. 91].

On March 7, 2011, defendant filed a motion to consolidate this matter with Civil Action No. 11-cv-00010-PAB-KMT. See Docket No. 72. Plaintiff filed no response to the motion, but instead sought leave to amend both of his complaints. See Docket No. 77; Docket No. 19 in 11-cv-00010. The Court granted defendant's motion to consolidate on June 8, 2011. See Docket No. 90. In the June 14 Order, Magistrate Judge Tafoya denied plaintiff's motions to amend as moot and ordered plaintiff to file a single consolidated complaint consisting of only those allegations and causes of actions found in his original complaints no later than June 21, 2011. See Docket No. 91 at 4. Magistrate Judge Tafoya further granted leave to plaintiff to file a motion to amend that consolidated complaint no later than June 28, 2011. See *id.*

Plaintiff did not file a consolidated complaint by the June 21, 2011 deadline. On

June 28, 2011, plaintiff filed the present objection to the June 14, 2011 Order, arguing that seven days constituted an unreasonably short period of time during which to draft the consolidated complaint such that the order was both “erroneous” and “contrary to law.” See Fed. R. Civ. P. 72(a).

The two original complaints in this matter were substantially similar. The Court finds nothing unreasonable about a seven-day period to engage in the minimal work necessary to consolidate the two complaints. Furthermore, and in any event, plaintiff was free to file a motion requesting additional time or, if good cause existed for failing to meet the deadline, he could have sought leave to file the consolidated complaint out of time. He did neither. Instead, he filed the present objection to which he has attached a complaint as an exhibit. That exhibit does not provide a basis to uphold his objection. Nor is it, contrary to plaintiff’s assertion, a “timely filed” consolidated complaint. Docket No. 101 at 3.

In short, plaintiff has not filed either a timely consolidated complaint or motion to amend. Nor has he sought leave to do either out of time. Plaintiff may not redirect responsibility for such failure to the Magistrate Judge’s act of setting the applicable – and facially reasonable – deadlines. Therefore, it is

**ORDERED** that plaintiff’s objection [Docket No. 101] to Magistrate Judge Kathleen M. Tafoya’s June 14, 2011 Order [Docket No. 91] is **OVERRULED**. It is further

**ORDERED** that defendant’s motion to strike [Docket No. 111] is denied as moot.

DATED August 25, 2011.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge