

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01397-MSK-MJW

DARRELL STOFFELS,

Plaintiff,

v.

CHRISTINE M. ARGUELLO and
MICHAEL E. HEGARTY,

Defendants.

**SUPPLEMENT TO SEPTEMBER 30, 2010, RECOMMENDATION (Docket No. 16)
ON MOTION TO SUBSTITUTE THE UNITED STATES AS DEFENDANT
(Docket No. 13)**

MICHAEL J. WATANABE
United States Magistrate Judge

On September 30, 2010, this court issued a Recommendation on Motion to Substitute the United States as Defendant (Docket No. 16). In that report and recommendation, this court noted that the plaintiff had not filed a response to the subject motion. Plaintiff had, however, timely filed a response (Docket No. 17), but it was not placed on the electronic docket until yesterday, October 6, 2010. The court has now carefully reviewed the plaintiff's response (Docket No. 17), along with the motion and has once again considered applicable statutes, Federal Rules of Civil Procedure, and the court's file. Nevertheless, the court finds that no change in the recommendation issued on September 30, 2010 (Docket No. 16) is

warranted.

Date: October 7, 2010
Denver, Colorado

s/ Michael J. Watanabe
Michael J. Watanabe
United States Magistrate Judge