

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 7 2011

GREGORY C. LANGHAM
CLERK

Civil Action No. 10-cv-02417-LTB

DEAN GATES, #118740,

Plaintiff,

v.

DOUG RODRIGUEZ,
TIM DOUGLAS,
MARSHALL GRIFFITH,
CHERYL SMITH,
COLORADO DEPARTMENT OF CORRECTIONS,
MENTAL HEALTH DEPARTMENT,
KATHY WASCO,
ROBBIE QUICK,
SHARON PHILLIPS,
DR. WORMER,
SGT. SINGLETON, and
MEDICAL DEPARTMENT, Fort Lyons,

Defendants.

ORDER TO REINSTATE CASE

On January 5, 2011, the Court dismissed this action based on a finding that Mr. Gates had failed to comply with an order dated November 19, 2010, requiring that he file an Amended Complaint. In fact, Mr. Gates did file an Amended Complaint as required. Mr. Gates, however, failed to provide a civil action number on the face of the Complaint, resulting in the inadvertent opening of Case No. 11-cv-00018-BNB. Nonetheless, it is evident from the note that Mr. Gates attached to the Complaint that he

intended to file the Complaint in this action in response to the Court's November 19 Order. Accordingly, it is

ORDERED that the Order of Dismissal and the Judgment, both filed on January 5, 2011, are vacated. It is

FURTHER ORDERED that the Clerk of the Court is directed to reinstate this action and return it to the *pro se* docket. It is

FURTHER ORDERED that process shall not issue until further order of the Court.

DATED at Denver, Colorado, this 7th day of January, 2011.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 10-cv-02417-LTB

Dean Gates
Prisoner No. 118740
Fort Lyon Corr. Facility
P.O. Box 1000
Fort Lyon, CO 81038

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on January 7, 2011.

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk