

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02862-REB-KLM

DEAN CARBAJAL,

Plaintiff,

v.

MYRL SERRA, in his individual capacity,
SHERRI PRICE, in her individual capacity,
CAROL WARNER, in her individual capacity,
RICHARD MAHAR, in his individual capacity,
DAVID ROMERO, in his individual capacity,
JOE QUINTANA, in his individual capacity,
BILL RAILEY, in his individual capacity,
CHRIS WELDON, in his individual capacity,
TIMOTHY HATCH, in his individual capacity,
BEA WOLFE, in his individual capacity,
BENJAMIN SCHROEDER, in his individual capacity,
GILBERTO LUCIO, in his individual capacity,
LAURIE FREUND, in her individual capacity,
JAMES DIXON, in his individual capacity,
ADAM BARRETT, in his individual capacity,
PERRY SPEERMAN, in his individual capacity,
JOEL SMITH, in his individual capacity,
ABBEGAYLE DORN, in her individual capacity,
JESSE REMBERT, in his individual capacity,
JAY LOPEZ, in his individual capacity,
MICHAEL O'NEILL, in his individual capacity,
BRYAN O'NEILL, in his individual capacity,
JEFFREY WATTS, in his individual capacity, and
ED GRUNINGER, in his individual capacity,

Defendants.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion for Leave to File Third**

Amended Complaint [Docket No. 249; Filed January 5, 2012] (the “Motion”). For the reasons set forth below, the Court **GRANTS** the Motion.

On October 19, 2011, the District Judge issued an Order Adopting in Part and Rejecting in Part Recommendation of United States Magistrate Judge [#229] in connection with a number of Motions to Dismiss filed by Defendants in this matter. As part of the Order [#229], the District Judge permitted Plaintiff to file a Third Amended Complaint no later than November 15, 2011. See *Order* [#229] at 10. The District Judge also ordered that any third amended complaint filed by Plaintiff must comply with a number of listed conditions. See *id.* at 10-11. He further warned Plaintiff that any third amended complaint filed by Plaintiff that did not so comply would be stricken and that sanctions could be imposed, including dismissal of this case. See *id.* at 11-12.

On November 14, 2011, Plaintiff filed a Motion for Leave to File Third Amended Complaint [#236], which included a copy of his proposed Third Amended Complaint. That same day, the District Judge issued another Order [#235] in response to Plaintiff’s Motion for Clarification [#234]. In the Order, the District Judge amended some of the conditions set forth in his previous Order [#229]. On December 21, 2011, the Court denied, without prejudice, the Motion for Leave [#236] for failure to comply in full with the Orders. Plaintiff filed the present Motion [#249] on January 5, 2011. Thus, the Court compares the proffered Third Amended Complaint [#249-1] with the requirements set forth by the District Judge in both Orders [#229, #235].

Upon comparison of the Third Amended Complaint [#249-1] and Orders [#229, #235], the Court finds that Plaintiff’s Third Amended Complaint appears to comply with the

District Judge's requirements. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#249] is **GRANTED**.

IT IS FURTHER **ORDERED** that the Clerk of the Court shall accept Plaintiff's Third Amended Complaint [#249-1] for filing as of the date of this Order.

IT IS FURTHER **ORDERED** that Defendants shall answer or otherwise respond to the Third Amended Complaint on or before **February 6, 2012**.

DATED: January 6, 2012 at Denver, Colorado.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kristen L. Mix". The signature is written in a cursive, flowing style.

Kristen L. Mix
United States Magistrate Judge