

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

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

DEAN CARBAJAL,

Plaintiff,

v.

GILBERTO LUCIO, in his individual capacity,
JAMES DIXON, in his individual capacity,
MICHAEL O'NEILL, in his individual capacity, and
JEFFREY WATTS, Investigator for the Second Judicial District, in his individual
capacity,

Defendants.

ORDER

This matter is before the Court on plaintiff's Motion for an Evidentiary Hearing [Docket No. 834]. Because plaintiff is proceeding *pro se*, the Court construes his filings liberally. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir.1991).

Plaintiff believes that defendants have committed fraud on the Court and thereby "deceive[d] the Court into entering summary judgment." Docket No. 834 at 1. As a result he asks the Court to set an evidentiary hearing to give him "a fair opportunity to substantiate his fraud claims." *Id.* at 2.

The Court finds that there is no basis for an evidentiary hearing. Plaintiff's allegations of fraud have been extensively discussed by the magistrate judge and rejected. See Docket Nos. 753, 854. Nothing in the instant motion, or plaintiff's reply,

Docket No. 851, suggests that an evidentiary hearing is warranted.

Accordingly, it is

ORDERED that plaintiff Dean Carbajal's Motion for an Evidentiary Hearing [Docket No. 834] is **DENIED**.

DATED December 14, 2016.

BY THE COURT:

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