

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 11-cv-00400-KMT-KLM

BERNARD KENNETH MYERS,

Plaintiff,

v.

DORWIN DWAYNE HUMMEL,

Defendant.

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**MINUTE ORDER**

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**ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA**

Defendant's "Motion for More Definite Statement" (Doc. No. 146, filed Mar. 4, 2012) is DENIED. In his Motion, Defendant seeks relief under Fed. R. Civ. P. 12(e) to "clarify" purportedly incompatible positions raised in "Plaintiff's [sic] Response to Defendants [sic] Motion for Summary Judgment" (Doc. No. 144, filed Feb. 9, 2012) and Plaintiff's "Motion to Amend Amended Complaint" (Doc. No. 143, filed Feb. 6, 2012).

Rule 12(e) provides that "[a] party may move for a more definite statement of a *pleading* to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response." Fed. R. Civ. P. 12(e) (emphasis added). Simply put, neither Plaintiff's Response to Defendant's Motion for Summary Judgment or Plaintiff's Motion to Amend his Amended Complaint are pleadings as to which the court could order a more definite statement under Rule 12(e).

Dated: March 15, 2012