

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01366-MSK-KLM

WAYNE ANDREWS,

Plaintiff,

v.

TIMOTHY GEITHNER,  
DOUGLAS SHULMAN,  
OFFICER IN CHARGE OF COLLECTIONS,  
GARY QUICK,  
ROSEANNE M. MILLER,  
LISA K. JONES, and  
ROXY HUBER, in her individual capacity,

Defendants.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on **Plaintiff's Request for Summary Judgment Against Roxy Huber** [Docket No. 19; Filed August 17, 2011] and **Plaintiff's "Motion for Summary Judgment Against Timothy Geithner, Douglas Shulman, Officer in Charge of Collections, Fresno, CA, Gary Quick, Roseanne M. Miller, Lisa K. Jones"** [Docket No. 33; Filed October 26, 2011].

IT IS HEREBY **ORDERED** that Plaintiff's Request for Summary Judgment Against Roxy Huber [#19] is **DENIED AS MOOT**. Liberally construing Plaintiff's Request as the Court must, the Court concludes that this Motion actually seeks the entry of default and default judgment against Defendant Huber. Defendant Huber received a copy of the Complaint on September 13, 2011 [#27], and timely filed a Motion to Dismiss in response to Plaintiff's Complaint on November 2, 2011 [#34]. Thus, the entry of default against Defendant Huber is unwarranted.

IT IS FURTHER **ORDERED** that Plaintiff's "Motion for Summary Judgment . . ." [#33] is **DENIED WITHOUT PREJUDICE**. Plaintiff fails to support the factual allegations stated in the Motion with admissible evidence as required by Fed. R. Civ. P. 56(c). The Court notes that the dispositive motions deadline is set as July 15, 2012.

Also pending before the Court are Defendants Geithner, Jones, Miller, Officer, Quick, and Shulman's Motion to Dismiss [#9] and Defendant Huber's Motion to Dismiss [#34]. The two Motions to Dismiss are ripe for review, and the Court will issue a written recommendation in due course.

Dated: December 30, 2011