

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 11-cv-01415-RM-CBS

NATHANIEL HAMPTON,

Plaintiff,

v.

OFFICER EVANS and
CITY OF COLORADO SPRINGS,

Defendants.

ORDER

This matter is before the Court on Plaintiff's motion to strike (ECF No. 180) the Status Report (ECF No. 178) recently filed by the Defendants on the grounds that the Status Report's title belies its true nature; that the Status Report is in reality a thinly veiled motion to dismiss Plaintiff's case with prejudice. (*See* ECF No. 178 at 3) (requesting "that this Court dismiss this action with prejudice"). To the extent that Defendants seek the action of this Court in dismissing the present action, their request is not in the correct procedural posture and the Court will not rule on a motion not correctly put before it. D.C. Colo. L. Civ. R. 7.1(d) ("A motion shall be filed as a separate document."). In any event, the parties have already filed numerous briefs in response to Plaintiff's pending motion seeking to vacate the parties' settlement agreement (ECF No. 165) and that motion has been referred to Magistrate Judge Shaffer. (ECF No. 172). The resolution of Plaintiff's motion to vacate the settlement agreement will likely shed light on whether Plaintiff's action should be finally dismissed by this Court.

Based on the foregoing, the Court ORDERS that Plaintiff's motion to strike Defendants' status report (ECF No. 180) is DENIED as moot.

DATED this 6th day of November, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge