

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

Civil Action No. 11-cv-01522-MSK-KMT

TIMOTHY S. TUTTAMORE,

Plaintiff,

v.

DR. ALLRED,

A. OSAGIE,

ADX WARDEN DAVIS,

M. SMITH, and

UNKNOWN UTILIZATION COMMITTEE MEMBERS, all in their official and individual capacities,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

Plaintiff's "Motion Requesting the Magistrate to Respond to Numerous Unresponded [sic] Motions" (Doc. No. 187, filed Dec. 6, 2012) is DENIED in part. To the extent that Plaintiff seeks to have this court "respond" to several motions, Plaintiff is apprised as follows:

–The court granted Plaintiff's "Motion for Leave to File 2nd Amended Complaint and to Strike the First Amended Complaint" (Doc. No. 130) on December 6, 2012. (*See* Doc. No. 188.)

–Plaintiff's "Motion for Leave to File Amended Complaint" (Doc. No. 118, filed Apr. 19, 2012) was terminated pursuant to District Judge Krieger's order administratively closing this case. (*See* Doc. No. 128, filed May 4, 2012.) In addition, any relief sought in this motion is moot in light of the court's order granting Plaintiff's Motion for Leave to File 2nd Amended Complaint. (Doc. No. 188.)

–The “‘Verified’ Plaintiffs [sic] Motion for a Preliminary Injunction for Proper Access to the Courts” (Doc. No. 120, filed Apr. 19, 2012) was terminated pursuant to the order administratively closing this case. (*See* Doc. No. 128.) Moreover, at the time this Motion was filed, it did not relate to the subject-matter of Plaintiff’s original Complaint—the operative pleading at that time. *Penn v. San Juan Hospital*, 528 F.2d 1181, 1185 (10th Cir. 1975) (to succeed on a motion for preliminary injunction motion, there must be a relationship between the temporary and permanent relief sought). As such, to the extent that Plaintiff seeks the same or similar relief, a renewed motion must be filed.

–As to Plaintiff’s “‘Verified’ Motion to Appoint Expert Witness and/or in Alternative Reconsider Motion for Appointment of Counsel Doc. #12 & 24 and/or in Alternative Deem Colo. Rev. Stat. § 13-20-602 as Constitutionally Invalid” (Doc. No. 113) and “2nd Motion for an Appointment of Counsel” (Doc. No. 132), the court has ordered further briefing on these motions. (*See* Doc. No. 185). A ruling will be issued a in due course after briefing is complete.

Dated: December 18, 2012