

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 to Move the Case Forward" (Doc. No. 90, filed Feb. 2, 2012) is GRANTED in part and DENIED in part. The court notes that this case is "mov[ing] . . . forward on all proceedings." Although Plaintiff appears to believe that these proceedings have been stayed pursuant to the parties' "Joint Motion to Stay Proceedings" (Doc. No. 66, filed Nov. 14, 2011), no stay was ultimately entered. (*See* Doc. No. 69, filed Nov. 14, 2011.) Rather the court vacated the Scheduling Conference set for December 8, 2011, and the parties were ordered to file a status report advising the court whether the Settlement Conference should be reset. (*See id.*)

Additionally, while the court continued the deadlines for Defendants' replies in support of their motions for summary judgment and to dismiss (*see* Doc. No. 72, filed Nov. 21, 2011), it has since ordered Defendants to file their replies no later than February 13, 2012 (*see* Doc. No. 89, filed Jan. 27, 2011).

To the extent that Plaintiff's motion appears to seek to have the Scheduling Conference reset, the court notes that a Scheduling Conference is not required in this matter. More specifically, pursuant to Fed. R. Civ. P. 26(a)(1)(B)(iv), *pro se* actions brought by individuals in the custody

of the United States, a state, or a state subdivision are a category of proceedings “exempt from initial disclosure.” Fed. R. Civ. P. 26(a)(1)(B)(iv). Additionally, the local rules of this court provide that a scheduling order and orders for discovery are unnecessary in categories of proceedings listed in Fed. R. Civ. P. 26(a)(1)(B). D.C.COLO.LCivR 16.2.B.2. The court will determine at a later date when and if a scheduling conference will be set.

Dated: February 8, 2012