

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01871-REB-KLM

SHERWYN OATES,

Plaintiff,

v.

MATTHEW PATELLA,

Defendant.

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**MINUTE ORDER**

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

This matter is before the Court on **Defendant Matthew Patella's Status Report** [Docket No. 18; Filed October 3, 2011], filed at the instruction of the Court [see Docket No. 17]. In light of the District Court's Order dismissing all claims except for the excessive force claim against Defendant Patella [Docket No. 12; Filed September 19, 2011] (the "September 19, 2011 Order"), Defendant Patella requests permission to file an Amended Motion to Dismiss.

IT IS HEREBY **ORDERED** that Defendant Patella shall answer or otherwise respond to Plaintiff's excessive force claim against Defendant Patella, as set forth in the September 19, 2011 Order, on or before **October 17, 2011**.

IT IS FURTHER **ORDERED** that Defendant Patella's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) [Docket No. 11; Filed September 19, 2011] is **DENIED AS MOOT**.

IT IS FURTHER **ORDERED** that a Preliminary Scheduling Conference is set for **November 15, 2011, at 11:00 a.m.** in Courtroom C-204, Second Floor, Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado. The parties need not comply with the requirements of Fed. R. Civ. P. 16 and 26(a)(1) and D.C. COLO.LCivR. 16.1 and 16.2. The purpose of the initial conference is to consider the nature and status of the case, the timing for filing of any motions or responses, and what discovery, if any, will be needed. **Plaintiff and his case manager shall contact the Court at (303) 335-2770 on the above date and time in order to participate.**

IT IS FURTHER **ORDERED** that the Clerk's Office shall mail a courtesy copy of this Minute Order to the case manager for Plaintiff at his facility.

Dated: October 3, 2011