

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-03191-WYD-BNB

TIMOTHY DEMITRI BROWN,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,
UNITED STATES DEPARTMENT OF JUSTICE,
UNITED STATES OF AMERICA, and
JOHN AND JANE DOES 1-20,

Defendants.

ORDER

This matter arises on the following:

1. **Plaintiff's Motion for Leave to File Surreply** [Doc. #32, filed 06/13/2012],
and

2. Plaintiff's **Motion to Substitute** [Doc. #40, filed 10/15/2012].

The plaintiff's request to file a sur-reply to the defendants' motion to dismiss is granted.

The plaintiff also requests to substitute Warden D. Berkebile for John Doe No. 1 "as a respondent to plaintiff's petition for habeas corpus." By separate recommendation, I have recommended that insofar as the plaintiff's Complaint asserts a claim for habeas relief, the claim be dismissed. Accordingly, the plaintiff's request to substitute is denied as moot.

IT IS ORDERED:

1. Plaintiff's Motion for Leave to File Surreply [Doc. #32] is GRANTED, and
2. The Motion to Substitute [Doc. #40] is DENIED.

Dated December 7, 2012.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge