

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

Civil Action No. 12-cv-00336-CMA-KMT

DENNY BENTON,

Plaintiff,

v.

TOWN OF SOUTH FORK AND POLICE DEPARTMENT,
FORMER POLICE CHIEF RANDY HERRERA,
CURRENT POLICE CHIEF JAMES CHAVEZ,
AT TIMES ACTING TOWN MANAGER AND CLERK SHARON FAIRCHILD,
FORMER TOWN MANAGER TODD WRIGHT,
FORMER MAYOR LARRY HEERSINK,
TOWN MANAGER BILL MATTHEWS,
TRUSTEE GROVER HAWETHORNE,
COLORADO STATE PATROL DISPATCH ALAMOSA, COLORADO, and
POLICE OFFICER PAM STEWART,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

This matter is before the court on Defendant “William Matthews’ Motion to Dismiss.” (Doc. No. 84, filed Dec. 26, 2012.) Defendant Matthews’ only asserted basis for seeking to be dismissed as a defendant is the fact that he was not served within the time constraints of Fed. R. Civ. P. 4(m). However, in the court’s order quashing service of process on Defendant Matthews, the court extended the deadline for Plaintiff to re-serve Defendant Matthews until March 7, 2013. (Doc. No. 88) Accordingly, Defendant Matthews’ Motion to Dismiss (Doc. No. 84) is DENIED without prejudice as premature.

Dated: January 23, 2013