

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 12-cv-00624-WYD-CBS

WAYNE GLASSER,

Plaintiff,

v.

CAROLE KING, RN,
MICHAEL WALSH, PA, and
LT. JAMES HARDING,

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion to Amend an Order [ECF No. 289], filed July 31, 2014. In this Motion, *pro se* Plaintiff requests reconsideration of the Court's Order [ECF No. 287] striking Plaintiff's response to CDOC Defendants' Motion for Summary Judgment [ECF No. 285]. Plaintiff's response was stricken for failing to comply with my PRACTICE STANDARDS. Defendants filed a response to Plaintiff's Motion to Amend an Order [ECF No. 290] on August 6, 2014.

Plaintiff seeks the Court's approval to allow his thirty-six (36) page Striken Response to stand as submitted. In the alternative, he requests a 60 day extension for resubmission in order to comply with my PRACTICE STANDARDS and excusal from resubmitting the exhibits filed with his Striken Response [ECF No. 285]. Defendants oppose Plaintiff's request to allow Plaintiff's Striken Response to stand as submitted. Defendants do not oppose Plaintiff's request for a 60 day extension or Plaintiff's request regarding the previously filed exhibits. For clarity purposes, the Court's Order [ECF No.

287] indicated that the deadline for resubmission was August 14 of 2015. However, this was a typographical error and is more appropriately August 14 of 2014.

In regards to the Plaintiff's request to allow his Striken Response to stand as submitted, "[e]xceptions to the . . . [Court's] page limitations will be made only in *extraordinary circumstances* where the Court decides that the complexity and numerosity of issues compel briefs of greater length." Senior Judge Wiley Y. Daniel's PRACTICE STANDARDS, § II(E)(2). "A motion requesting such permission must include sufficient detail to allow the Court to discern the necessity of additional pages." PRACTICE STANDARDS, § II(E)(2). Based on Plaintiff's justification for his Striken Response to stand as submitted, the Court has determined that a thirty-six (36) page brief is not warranted. Plaintiff will, therefore, need to resubmit a response that complies with my PRACTICE STANDARDS. As such, it is

ORDERED that the Motion [ECF No. 289] is **GRANTED IN PART** and **DENIED IN PART**. The Motion is **GRANTED** to the extent that Plaintiff is allowed a 60 day extension to resubmit a responsive brief to CDOC Defendant's Motion for Summary Judgment [ECF No. 280] **on or before October 13, 2014**. **NO FURTHER** extensions will be considered. The Plaintiff's response **SHALL COMPLY** with my PRACTICE STANDARDS, to include § II(E)(1) regarding page limitations. In addition, Plaintiff is **EXCUSED** from resubmitting the exhibits filed with his Striken Response [ECF No. 285]. It is

FURTHER ORDERED that the Motion is **DENIED** as to Plaintiff's request for his Striken Response to stand as submitted. It is

FURTHER ORDERED that the Clerk of the Court shall send a copy of my

PRACTICE STANDARDS to Plaintiff and that all subsequent motions shall be referred to Magistrate Judge Shaffer in accordance with my prior Order of Reference.

Dated: August 12, 2014.

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Senior United States District Judge