

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 12-cv-00936-REB-KMT

JOHN MORGAN,  
DUSTIN COOK,  
PAUL STARK, and  
JERROD THOELE,

Plaintiffs,

v.

TOM CLEMENTS, Executive Director of the Colorado Department of Corrections, in his official capacity,  
JEFFREY WELLS, Community Parole Officer, in his individual and official capacities,  
JIM KELLER, Colorado Department of Corrections Parole Team Leader, in his individual and official capacities,  
LIESL SCHUMACHER, Colorado Department of Corrections Parole Supervisor, in his individual and official capacities, and  
JOHN OREY, Colorado Department of Corrections Parole Supervisor, in his individual and official capacities,

Defendants.

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**MINUTE ORDER<sup>1</sup>**

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The matter is before the court on **Plaintiffs' Motion For Order To Convert Motions To Dismiss To Motions For Summary Judgment or in the Alternative, For Leave to File a Second Amended Complaint** [#71]<sup>2</sup> filed February 1, 2013. The motion is granted. Under FED. R. CIV. P. 12(d), the defendants' motions to dismiss [#61 & #63] are converted to motions for summary judgment to be resolved under FED. R. CIV. P. 56. In their replies in support of their motions, the defendants shall have the opportunity to present all materials they deem pertinent to the converted motions.

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<sup>1</sup> This minute order is issued pursuant to the express authority of the Honorable Robert E. Blackburn, United States District Judge for the District of Colorado.

<sup>2</sup> "[#71]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

**IT IS FURTHER ORDERED** that the motions to dismiss [#61 & #63] which were referred to the Honorable Magistrate Judge Kathleen M. Tafoya are unreferrred and the referral is withdrawn.

Dated: February 4, 2013