Adams v. Fochee et al Doc. 46

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action: 12-cv-01076-PAB-CBS FTR - Reporter Deck-Courtroom A402
Date: January 28, 2013 Courtroom Deputy: Robin Mason

Parties:	*Counsel:*
ERIC ADAMS,	*Pro Se (appearing by telephone)*
Plaintiff,	
v.	
A. ESPINOSA, *et al*.,	May E. Kim
Defendants.	

COURTROOM MINUTES/MINUTE ORDER

HEARING: PRELIMINARY SCHEDULING CONFERENCE
Court in session: 9:17 a.m.
Court calls case. Appearances of counsel.

The court addresses Mr. Adams regarding the reason this hearing was set. The court would like to discuss coming up with a pretrial plan, figure out how much discovery is necessary, and how much time discovery will take. The court addresses Mr. Adams regarding the plaintiff's MOTION for Summary Judgment (Docket No. 23, filed on 11/2/2012) and the defendant's Amended MOTION for Leave to File Motion for Summary Judgment Concerning Lack of Administrative Remedies (Amended to include attachments) (Docket No. 35, filed on 12/31/2012).

The court informs the parties that it shall continue the Scheduling Conference and stay discovery until briefing on the above motions is completed.

Mr. Adams informs the court and defense counsel that he has not been served with anything from Ms. May. The court confirms that the mailing address for Mr. Adams is correct. Mr. Adams confirms that the address is correct. Ms. May informs the court that on Friday, January 18, 2013 she mailed, Mr. Adams, a full packet of all filings to date. The court informs Ms. May that she must also contact the B.O.P./ADMAX legal counsel/supervisor to further discuss this situation with the plaintiff not receiving his mail and relay the necessity of the plaintiff receiving his mail in order to pursue this case. Ms. May ensues the court that she will comply with this request.

Dockets.Justia.com

Discussion between the court and Mr. Adams regarding the plaintiff's MOTION Requesting the Location Address of Defendant Foshee (Docket No. 28 filed on 11/19/2012) and whether or not defendant Fochee was properly served by Mr. Adams.

ORDERED: The court **DENIES** the plaintiff's MOTION Requesting the Location Address of Defendant Foshee (Docket No. 28 filed on 11/19/2012). The court informs the plaintiff that it cannot provide information, to the plaintiff, that it does not have.

ORDERED: The court **GRANTS** the defendant's Amended MOTION for Leave to File Motion for Summary Judgment Concerning Lack of Administrative Remedies (Amended to include attachments) (Docket No. 35, filed on 12/31/2012). The defendant shall be allowed to file its motion for summary judgment.

ORDERED: The plaintiff shall file his response to the defendant's Amended MOTION for Leave to File Motion for Summary Judgment Concerning Lack of Administrative Remedies (Amended to include attachments) (Docket No. 35, filed on 12/31/2012) **no later than February 28, 2013**.

The court addresses Mr. Adams regarding his MOTION for Summary Judgment (Docket No.23, filed on 11/2/2012) and the defendant's RESPONSE to #23 MOTION for Summary Judgment (Docket No. 42, filed on 1/14/2013). The court acknowledges that Mr. Adams has not received the defendant's response.

ORDERED: The plaintiff shall file his reply to the defendant's RESPONSE to #23 MOTION for Summary Judgment (Docket No. 42, filed on 1/14/2013) **no later than February 28, 2013**.

ORDERED: A further Scheduling Conference is set for **March 13, 2013 at 9:00 a.m.** Plaintiff, or his case manager, shall arrange for his participation via telephone and shall call (303) 844-2117 at the scheduled time.

Further discussion between the court and Mr. Adams regarding the situation with receiving mail correspondence. Mr. Adams requests that mail sent to him by Ms. May include the following language: "OPEN IN PRESENCE OF INMATE ONLY". This way, Mr. Adams will have to sign for it ensuring that he receives it and that there is documentation of its receipt. The court iterates to Ms. May that she will need to contact B.O.P./ADMAX legal counsel/supervisor to make sure Mr. Adams is receiving mail relevant to this case.

HEARING CONCLUDED.

Court in recess: **9:31 a.m.**
Total time in court: 00:14

To order transcripts of hearings with Magistrate Judge Shaffer, please contact Avery Woods Reporting at (303) 825-6119 or toll free at 1-800-962-3345.