

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01483-REB-MEH

ELIZABETH WOJDACZ,

Plaintiff,

v.

COLORADO SPRINGS CITY POLICE DEPARTMENT,  
COMMANDER BRIAN GRADY,  
OFFICER JOHN IRELAND,  
PATRICK MILLER,  
PENROSE ST. FRANCIS HEALTHCARE,  
GARY LEE NORMAN,  
MICHAEL J. DUNCAN, and  
CLIFF HUDSON,

Defendants.

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MINUTE ORDER

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on December 14, 2012.**

Pending before the Court is Plaintiff's Opposed Motion to Strike Defendant Patrick Miller's Amended Motion to Dismiss and For Judgment on the Pleadings [filed December 10, 2012; docket #100]. Plaintiff's motion asks the Court to strike Defendant Miller's pending motion to dismiss as untimely. The Court observes that Defendant Miller filed the pending motion less than a week after the Court struck his original motion without prejudice for failure to comply with Judge Blackburn's Practice Standards. (*See* dockets ##88, 91.) However, pursuant to Fed. R. Civ. P. 15(a)(3) and the Court's authority to extend the deadline for filing a response, the Court accepts Defendant Miller's motion as timely filed.

Plaintiff's motion to strike appears to arise from her intent to pursue a default judgment against Defendant Miller. Plaintiff asserts that Defendant Miller has never filed an answer to the Amended Complaint and that the time for such filing has expired. Plaintiff is mistaken. The docket in this case shows that Defendant Miller filed his Answer to Amended Complaint and Jury Demand on August 16, 2012. (Docket #25.) Therefore, Plaintiff's Motion to Strike Defendant Patrick Miller's Amended Motion to Dismiss and For Judgment on the Pleadings is **denied**.