

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 12-cv-01763-BNB

JAMES M. BERTOLO,

Plaintiff,

v.

JOHN HICKENLOOPER, Governor Colorado,  
GLEN TAPIA, M.P.A., Offices of Community Corrections,  
TOM CLEMENTS, Director, Colorado Department of Corrections,  
COLORADO DEPARTMENT OF CORRECTIONS, Facilities, Programs, Staff, Medical Staff,  
Censorship Staff, Staff in General, Committees,  
CTCF,  
CTCF SEX OFFENDER TREATMENT MANAGEMENT BOARD (SOTMP),  
ROBBIE BOLTON,  
HONORABLE THOMAS KENNEDY, Chairman, Sex Offender Management Board (SOMB),  
DIRECTORS CONTRACT WORKERS,  
ALL CDOC CURRENT AND FORMER READING COMMITTEE MEMBERS,  
ALL FORMER AND CURRENT MAIL ROOM STAFF FOR CDOC, CTCFM  
ALL CDOC DIRECTOR STAFF OF PROGRAMS/ACTIVITIES/RECREATIONAL  
WORKERS, and  
JOHN AND JANE DOES, and Certain CTCF, CDOC staff to be named,

Defendants.

---

**ORDER**

---

By a Minute Order [Doc. # 59] entered on September 6, 2012, I set this case for a status conference to occur on September 27, 2012. The purpose of the status conference was to discuss with the plaintiff and his lawyer, Gary L. Shupp, their respective roles as litigant and counsel and my expectations for their conduct going forward. The Minute Order required Mr. Shupp to appear in person at the status conference and Mr. Bertolo, who is incarcerated, to appear by telephone. Prior to the status conference, Mr. Bertolo attempted to file pro se a "Motion to

proceed or reschedule” [Doc. # 76, filed 9/19/2012], which requested that the status conference be rescheduled because Mr. Shupp was not available to attend. I struck the “Motion to proceed or reschedule” by a Minute Order [Doc. # 77] because Mr. Bertolo is represented by counsel and all pleadings, motions, and other filings must be made by counsel and not by the litigant. Nonetheless, Mr. Shupp failed to appear at the status conference, resulting in my Order to Show Cause [Doc. # 79]. Mr. Shupp has responded to the Order to Show Cause. Response [Doc. ## 81 and 82].

IT IS ORDERED:

(1) A hearing on the Order to Show Cause is set for **November 1, 2012, at 10:00 a.m.**, in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado; and

(2) Mr. Shupp must appear at the hearing **in person**. Mr. Shupp’s failure to appear at the hearing in person may result in the entry of sanctions including, potentially, dismissal of the case.

Dated October 18, 2012.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge