

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02191-KLM

CARL HARVEY BROUWER,

Petitioner,

v.

USA,

Respondent.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Petitioner's **Unopposed Motion to Re-Designate Case** [Docket No. 20; Filed January 18, 2013] (the "Motion"). Petitioner requests that this case, which was opened as a civil action, be re-designated as a miscellaneous action. Petitioner contends that because the case was initiated through the filing of a motion as opposed to a pleading, it should be designated as a miscellaneous action.

The criterion identified by Petitioner is not determinative of whether a case is opened as a civil action or a miscellaneous action. Here, the Court has held a scheduling conference, set discovery deadlines and limitations, and ordered a briefing schedule for the Motion to Set Aside Declaration of Forfeiture. Because this case is following a similar pattern to other civil cases, the Court finds that the Clerk of Court properly designated this matter as a civil action. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#20] is **DENIED**.

Dated: January 23, 2013