

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Michael J. Watanabe**

**Civil Action No.** 12-cv-02344-CMA-MJW

FTR - Courtroom A-502

**Date:** November 01, 2012

Courtroom Deputy, Ellen E. Miller

Parties

Counsel

KELLY ROE,

*Pro Se*

Plaintiff(s),

v.

COMMISSIONER OF INTERNAL REVENUE,

Thomas J. Jaworski

Defendant(s).

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**COURTROOM MINUTES / MINUTE ORDER**

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**HEARING: TELEPHONIC STATUS CONFERENCE**

**Court in Session:** 11:00 a.m.

Court calls case. Appearances of *Pro Se* Plaintiff and defense counsel.

Discussion is held regarding Plaintiff's Amended Complaint for Injunctive Relief [Docket No. 16]. Defendant, through counsel, advises the Court it has no objection to the Court accepting the Amended Complaint. Therefore,

**It is ORDERED:** *Pro Se* Plaintiff's AMENDED COMPLAINT FOR INJUNCTIVE RELIEF [Docket No. **16**, filed October 30, 2012] is accepted for filing as of November 01, 2012 and is the operative pleading in this civil action.

**It is ORDERED:** Defendant shall have up to and including **NOVEMBER 21, 2012** within which to file an Answer or otherwise respond to the Amended Complaint.

In light of the acceptance for filing of the Amended Complaint for Injunctive Relief, defendant makes an oral motion to withdraw its Partial Motion to Dismiss. With no objections,

**It is ORDERED:** Defendant's ORAL MOTION TO WITHDRAW its Partial Motion to Dismiss is GRANTED, and Defendant's PARTIAL MOTION TO DISMISS [Docket No. **13**, filed October 18, 2012] is WITHDRAWN.

**It is ORDERED:** A **RULE 16(b) SCHEDULING CONFERENCE** is set **DECEMBER 17, 2012 at 10:30 a.m.** (Mountain Time) in Courtroom A-502, Fifth floor, Alfred A. Arraj United States Courthouse, 901 19<sup>th</sup> Street, Denver, Colorado 80294.

Defendant shall electronically file the parties' joint proposed  
SCHEDULING ORDER **on or before DECEMBER 12, 2012.**

Plaintiff shall appear in person for the Scheduling Conference. Defense counsel may appear by telephone by calling the Court chambers at (303) 844-2403 at the scheduled time.

Hearing concluded.

**Court in recess:** 11:11 a.m.

Total In-Court Time 00: 11

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