

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03231-REB-KLM

VICTORIA CARBAJAL,
DEAN CARBAJAL, and
LUIS LEAL,

Plaintiffs,

v.

MITCHELL R. MORISSEY, District Attorney for the Second Judicial District, in his official and individual capacities,
JEFFREY WATTS, Investigator for the Second Judicial District, in his official and individual capacities,
ROBERT FULLER, Investigator for the Second Judicial District, in his official and individual capacities,
REBEKAH MELNICK, Deputy District Attorney for the Second Judicial District, in her official and individual capacities,
LARA MULLIN, Deputy District Attorney for the Second Judicial District, in her official and individual capacities,
MILES FLESCHE, District Administrator and Clerk for the Second Judicial District, in his official and individual capacities,
KEITH CRISWELL, Deputy Court Clerk for the Second Judicial District, in his official and individual capacities,
ANNE MANSFIELD, District Court Judge for the Second Judicial District, in her official and individual capacities,
KEEFER, Deputy Sheriff for the Denver Detention Center, in his official and individual capacities,
MICHAEL SIMPSON, Detective for the Denver Police Department, in his official and individual capacities,
JAY LOPEZ, Detective for the Denver Police Department, in his official and individual capacities,
RICHARD HAGAN, Detective for the Denver Police Department, in his official and individual capacities,
CAROL DWYER, a co-conspirator with the Second Judicial District Attorney's Office, in her official and individual capacities,
WELLS FARGO, a corporation,
BRIAN BERARDINI, a co-conspirator with the Second Judicial District Attorney's Office, in his individual capacity, and
JOHN SUTHERS, Attorney General for the State of Colorado, in his official and individual capacities,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion for Leave to File Third Amended Complaint Pursuant to the Court's Order [DOC #89]** [Docket No. 92; Filed May 30, 2013] (the "Motion to Amend") and on Defendants Keefer, Simpson, Lopez, and Hagan's **Motion to Extend Time to Answer or Otherwise Plead** [Docket No. 106; Filed June 14, 2013] (the "Motion for Extension"). On June 17, 2013, Defendant Marie Williams ("Williams") filed a Response [#108] in opposition to Plaintiff's Motion to Amend.

In the Motion to Amend [#92], Plaintiffs seek leave of Court to file a Third Amended Complaint [#90]. However, Plaintiff need not seek leave of Court to file a Third Amended Complaint because the Court ordered him to do so on April 23, 2013. *Order* [#89]. Thus, Plaintiff's Third Amended Complaint [#90] is currently the live complaint in this matter. Accordingly,

IT IS HEREBY **ORDERED** that the Motion to Amend [#92] is **DENIED as moot**.

IT IS FURTHER **ORDERED** that the Motion for Extension [#106] is **GRANTED**. Defendants Keefer, Simpson, Lopez, and Hagan shall file an answer or other response to Plaintiff's Third Amended Complaint **on or before July 8, 2013**.

Dated: June 21, 2013