

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01895-CMA-MJW

MARIO ANTON LEE,

Plaintiff,

v.

LIEUTENANT M. BANUELOS,  
LIEUTENANT BARRY,  
PRISON GUARD J. WISEMAN,  
PRISON GUARD M. EBERHART,  
PRISON GUARD ERPS,  
PRISON GUARD MOHLER,  
LIEUTENANT K. LITVAN,  
CAROL LINGREN, RN, and  
R. HUDDLESTON, EMT,

Defendants.

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that the Pro Se Incarcerated Plaintiff's Motion for Leave to Amend Complaint Pursuant to Fed. R. Civ. P. 15(a)(2) (docket no. 46) is GRANTED. Plaintiff's Amended Complaint (docket no. 46-1) is ACCEPTED for filing as of the date of this minute order. The Amended Complaint (docket no. 46-1) is the operative pleading.

Rule 15(a) of the Federal Rules of Civil Procedure provides that "[t]he court should freely give leave [to amend] when justice so requires." Fed. R. Civ. P. 15(a)(2). "Refusing leave to amend is generally only justified upon a showing of undue delay, undue prejudice to the opposing party, bad faith or dilatory motive, failure to cure deficiencies by amendments previously allowed, or futility of amendment." Frank v. U.S. West, Inc., 3 F.3d 1357, 1365 (10th Cir. 1993) (citations omitted). The court finds plaintiff has met the above standard.

It is FURTHER ORDERED that Defendants' Motion to Stay Discovery (docket no. 42) is GRANTED for those reasons outlined in the subject motion (docket no. 42). That discovery in this case is STAYED until final ruling by Judge Arguello on Defendants' Motion for Summary Judgment for Failure to Exhaust Administrative

Remedies (docket no. 39).

It is FURTHER ORDERED that Defendants' Motion to Continue Scheduling Conference or, in the Alternative Convert the Scheduling Conference into a Status Conference (docket no. 56) is GRANTED as follows finding good cause shown. The court will convert the Rule 16 Scheduling Conference set on April 14, 2014 at 10:30 a.m. Mountain Time to a Status Conference. The Pro Se Incarcerated Plaintiff may participate at the Status Conference by telephone. The Pro Se Incarcerated Plaintiff shall call Magistrate Judge Watanabe's chambers at 303-844-2403 on April 14, 2014 at 10:30 a.m. Mountain Time.

It is FURTHER ORDERED that the ORDER TO SHOW CAUSE (docket no. 33) remains set on April 14, 2014 at 10:30 a.m. before Magistrate Judge Watanabe. See docket no. 32.

Date: April 2, 2014

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