

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

Civil Action No. 13-cv-02136-WJM-BNB

MIKE BARTOWSHESKI,

Plaintiff,

v.

HEARING OFFICER LT. TOPLISS,
SOTMP THERAPIST KRISTY STAYSELL,
SOTMP THERAPIST TOM NELSON, and
SOTMP DIRECTOR CHARLES OLIN,

Defendants.

ORDER

This matter arises on the plaintiff's **Motion to Dismiss Defendant's Motion for Federal R. Civ. P. 12(b)(6) and/or Rule 56 Summary [sic] Judgement** [Doc. #19, filed 12/04/2013] (the "Motion").

The plaintiff seeks dismissal of the defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) and/or for Summary Judgment [Doc. #16] (the "Defendants' Motion to Dismiss"). He states that he never received a copy of Defendants' Motion to Dismiss. *Motion*, ¶ 3. The defendants certify that they served a copy of their motion on the plaintiff by mailing it to him at Centennial Correctional Facility, P.O. Box 600, Canon City, CO 81215. However, the plaintiff's address of record is at the Colorado Territorial Correctional Facility, P.O. Box 1010, Canon City, CO 81215-1010.

The plaintiff also attempts to respond to Defendants' Motion to Dismiss. Rather than consider the current response, I will direct the defendants to serve their Motion to Dismiss on the

plaintiff at his address of record. The plaintiff shall have thirty days from the date of service to file a proper response.

IT IS ORDERED:

(1) The plaintiff's Motion to Dismiss Defendant's Motion for Federal R.Civ.P. 12(b)(6) and/or Rule 56 Summery [sic] Judgement [Doc. #19] is DENIED;

(2) The defendants shall serve Defendants' Motion to Dismiss on the plaintiff at his address of record;

(3) The plaintiff shall respond to Defendants' Motion to Dismiss within thirty days of the date of service of the motion.

Dated December 11, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge