

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03515-LTB

DELMART E.J.M. VREELAND, II,

Plaintiff

v.

CELIA SCHWARTZ, Legal Assistant II, Colorado Department of Corrections, Buena
Vista Correctional Facility, and
COLORADO DEPARTMENT OF CORRECTIONS,

Defendants.

ORDER ON REMAND

This matter is before the Court on the remand entered by the United States Court of Appeals for the Tenth Circuit (Tenth Circuit) in the instant action on May 26, 2015.

The Tenth Circuit reversed this Court's dismissal under 28 U.S.C.

§ 1915(e)(2)(B) of Plaintiff's retaliation claim in the first amended complaint, and remanded with instructions to permit him to file an amended complaint reasserting the claim. The remainder of the district court's judgment was affirmed.

Pursuant to the Tenth Circuit's directive, Plaintiff is to file a Second Amended Complaint that addresses his retaliation claim against all defendants who can properly be joined under Fed. R. Civ. P. 20(a)(2). Accordingly, it is

ORDERED that Plaintiff shall have **thirty days from the date of this Order** to file a Second Amended Complaint as directed above. It is

FURTHER ORDERED that Plaintiff shall obtain the Court-approved Prisoner Complaint form (with the assistance of his case manager or the facility's legal assistant) along with the applicable instructions at www.cod.uscourts.gov, to be used in filing the Second Amended Complaint. It is

FURTHER ORDERED that if Plaintiff fails to comply within the time allowed the Court will address the retaliation claim asserted in the Amended Complaint in compliance with the Tenth Circuit's May 26, 2015 Order. It is

FURTHER ORDERED that this action is returned to the Pro Se Docket for further consideration of Plaintiff's retaliation claims on initial review.

DATED at Denver, Colorado, this 19th day of June, 2015.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court