

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

Civil Action No. 14-cv-00013-MSK-MJW

FTR - Courtroom A-502

Date: March 10, 2014

Courtroom Deputy, Ellen E. Miller

Parties

Counsel

MATTHEW BRADLEY,
#16474-045

Pro Se (by telephone)

Plaintiff(s),

v.

U.S. FEDERAL BUREAU OF PRISONS (AGENCY), J. Benedict Garcia
MR. DAVID BERKEBILE, Warden ADX,
DR. NIXON ROBERTS, Dentist/ADX Florence, and
MR. PELTON, Health Services Administrator,

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: STATUS CONFERENCE

Court in session: 2:01 p.m.

Court calls case. Appearance of *Pro Se* plaintiff and defense counsel. At this time, Mr. Garcia only represents the U.S. Federal Bureau of Prisons.

Status of the case is discussed.

Plaintiff makes an Oral Motion to Dismiss the John Doe, "Unknown Persons". With no objections from defense Bureau of Prisons,

It is ORDERED: JOHN DOE, "Unknown Persons" is dismissed, deleted from the caption, and the caption shall be corrected.

Mr. Garcia notes defendant identified as Mr. Nixon is more correctly identified as Dr. Nixon Roberts. With no objection by the Plaintiff,

It is ORDERED: The defendant's name shall be corrected in the caption to indicate DR. NIXON ROBERTS. All future filings shall reflect the corrected caption.

In anticipation of referral of the Defendant U. S. Federal Bureau of Prisons' Motion For Leave to File Motion for Summary Judgment Concerning Lack of Exhaustion of Administrative Remedies and Motion for Stay, the motion is discussed.

It is ORDERED: Defendant U. S. Federal Bureau of Prisons' MOTION FOR LEAVE TO FILE MOTION FOR SUMMARY JUDGMENT CONCERNING LACK OF EXHAUSTION OF ADMINISTRATIVE REMEDIES AND MOTION TO STAY [Docket No. **26**, filed March 07, 2014] is **GRANTED IN PART and DENIED IN PART**.

That portion of the motion, MOTION TO STAY [Docket No. **26**, filed March 07, 2014] is **denied without prejudice**.

That portion of the motion, MOTION FOR LEAVE TO FILE MOTION FOR SUMMARY JUDGMENT CONCERNING LACK OF EXHAUSTION OF ADMINISTRATIVE REMEDIES [Docket No. **26**, filed March 07, 2014] is **granted** for reasons as set forth on the record.

The Motion for Summary Judgment shall be filed as of the date of this Courtroom Minutes/Minute Order March 10, 2014.

The clerk of the Court is directed to file under a separate docket entry number Attachment 26-2 and Attachment 26-3 as Defendant's Motion for Summary Judgment and an attachment.

Upon entry by the Clerk's office of a separate Defendant's Motion for Summary Judgment,

It is ORDERED: Plaintiff shall have up to and including **APRIL 01, 2014**, to file his written response to the Motion for Summary Judgment.

It is ORDERED: Defendant(s) shall have up to and including **MARCH 21, 2014** within which to file written response to Plaintiff's Verified Emergency Motion for Temporary Restraining Order/and or Preliminary Injunction Pursuant to Fed. R. Civ. P. 65 [Docket No. **15**, filed February 05, 2014].

It is ORDERED: A **RULE 16(b) SCHEDULING CONFERENCE** is set **APRIL 25, 2014 at 9:00 a.m.** in Courtroom A-502, Fifth floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294.

Counsel/pro se parties in this case shall hold a pre-scheduling conference meeting and prepare a proposed Scheduling Order. Parties shall file their proposed Scheduling Order **on or before APRIL 21, 2014**. Plaintiff shall be reminded he is required to participate in the preparation of the proposed Scheduling Order.

Counsel/pro se parties shall prepare the proposed Scheduling Order in accordance with the form found in the forms section of the Court's website at www.cod.uscourts.gov.

Defendant shall electronically file the proposed Scheduling Order as defense counsel has electronic court filing privileges. Incarcerated individuals shall appear by telephone by calling the Court at (303)844-2403 at the scheduled time.

Anyone seeking entry into a United States Courthouse is required to show a valid current photo identification. See D.C.COLO.LCivR 83.2. Failure to comply with this requirement may result in denial of entry to the courthouse.

Pro Se plaintiff shall be reminded he is required to comply with all applicable Federal Rules of Civil Procedure (Fed.R.Civ.P.) and the Local Rules of Practice in the United States District Court for the District of Colorado (D.C.COLO.LCivR.) and Federal Rules of Evidence (Fed. R. of Evid.). The *Pro Se* plaintiff may obtain a copy of the United States District Court for the District of Colorado Local rules of Practice on the court website www.cod.uscourts.gov or through the office of the Clerk of the Court. *Pro Se* Plaintiff shall also be reminded that “ghost writing” is not permitted.

HEARING CONCLUDES.

Court in recess: 2:24 p.m.

Total In-Court Time: 00:23