

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00376-KLM

MICHAEL Y. BIRMAN,

Plaintiff,

v.

D. BERKEBILE, Warden,
MR. KIANG, ADX Pharmacist "LT" Commander, and
MR. CORDOVA, Health Service Supervisor,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion in Response (Traverse) to Defendant's Opposition to Summary Judgment and Renewed Motion for Summary Judgment** [#45] and on Plaintiff's **Renewed Motion to Amend His Civil Rights Complaint, and/or Reply to Defendants Opposition Response Thereto** [#46].

First, the Court addresses Plaintiff's Renewed Motion to Amend His Civil Rights Complaint, and/or Reply to Defendants Opposition Response Thereto [#46]. As noted by Plaintiff, who proceeds in this matter as pro se litigant, this filing may also be construed as a Reply to Defendant's Response [#43] to Plaintiff's Motion to Amend Civil Rights Complaint [#41]. Having examined the document, the Court finds that it is better construed as a Reply than a Motion, and therefore the Court construes this filing as a Reply to Defendant's Response [#43] to Plaintiff's Motion to Amend Civil Rights Complaint [#41]. Accordingly,

IT IS HEREBY **ORDERED** that this Motion [#46] is **DENIED** but accepted as Plaintiff's Reply in support of his Motion Amend Civil Rights Complaint [#41]. An order on the Motion to Amend Civil Rights Complaint will issue in due course.

Second, the Court addresses Plaintiff's Motion in Response (Traverse) to Defendant's Opposition to Summary Judgment and Renewed Motion for Summary Judgment [#45]. As noted by Plaintiff, this filing may also be construed as Plaintiff's Reply to Defendant's Response [#44] to Plaintiff's Cross Motion for Summary Judgment [#42],

and the Court finds that it is better construed as such. Accordingly,

IT IS FURTHER **ORDERED** that this Motion [#45] is **DENIED** but accepted as Plaintiff's Reply in support of his Cross Motion for Summary Judgment [#42]. An order on the Cross Motion for Summary Judgment will issue in due course.

Dated June 19, 2015.