

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,
MR. CORDOVA, Health Service Supervisor,
D. ALLRED, and
FEDERAL BUREAU OF PRISONS,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion for an Order Directing the Defendants to Comply with Fed. R. Civ. P. Rules Because They Failed To Do So** [#77] (the "Motion"). Plaintiff asserts that he did not receive a copy of Defendants' Motion to Consolidate and for Extension of Time to File a Responsive Pleading [#72] (the "Motion to Consolidate"), and he requests a Court order requiring Defendants to comply with Fed. R. Civ. P. 5. The Motion to Consolidate [#72] includes a Certificate of Service stating that the Motion to Consolidate was mailed to Plaintiff on September 29, 2015, at the address the Court presently has for delivery of all mail to Plaintiff. The Court has no reason to believe that the Motion to Consolidate [#72] was not sent to Plaintiff as indicated by counsel for Defendants. However, as a one-time courtesy, the Court will send to Plaintiff another copy of the Motion to Consolidate [#72], which was ruled on by the Court on September 30, 2015. *Minute Order* [#75]. Plaintiff indicates that he received Minute Order [#75].

IT IS HEREBY **ORDERED** that the Motion [#77] is **DENIED as moot**. Defendants are under a continuing obligation to comply with all of the Federal Rules of Civil Procedure.

IT IS FURTHER **ORDERED** that the Clerk of Court shall mail a copy of the Motion to Consolidate [#72] to Plaintiff, along with a copy of this Minute Order, at the address listed on the electronic docket.

Dated: October 13, 2015