

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:14-cv-00411-PAB-NYW

ARNOLD A. CARY,

Plaintiff,

v.

JOHN HICKENLOOPER, Governor, State of Colorado,
RICK RAEMISCH, Executive Director, CDOC,
JAMES FALK, Warden, SCF,
MAURICE FAUVEL, D.O., Physician, SCF,
KERI MCKAY, P.A., SCF, Physician Assistant,
KELSEY PRUSHA, also known as Kelsey Dillinger, R.N., Registered Nurse, SCF,
KEVIN VORWALD, Captain, SCF,
PAGE, Lieutenant, SCF,
MOON, Lieutenant, SCF,
LUECK, Case Manager, SCF, and
HERREA, Case Manager, SCF,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Nina Y. Wang

This civil action comes before the court on Plaintiff Arnold Cary's Motion for Independent Medical Examination [#78] filed on August 19, 2015, and that was referred to this Magistrate Judge pursuant to the Order Referring Case dated February 13, 2014 [#2] and the Memorandum dated August 19, 2015 [#79].

Currently pending before the Honorable Philip A. Brimmer is the Recommendation of the United States Magistrate Judge ("Recommendation") that this action be dismissed, in its entirety, without prejudice. [#75]. Plaintiff has filed an Objection to that Recommendation [#77]. Plaintiff's request for an independent medical examination may be obviated depending upon Judge Brimmer's disposition of the Recommendation.

Accordingly, IT IS ORDERED that:

(1) Plaintiff Arnold Cary's Motion for Independent Medical Examination [#78] is DENIED, with leave to refile for further consideration should this case survive the pending Motion to Dismiss.

DATED: August 21, 2015