

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00872-REB-KLM

DAVID R. FISCHER, an individual,

Plaintiff,

v.

JACOB J. LEW, Secretary of the Department of the Treasury, in his official capacity,

Defendant.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Defendant's **Motion for Judgment on the Pleadings** [#10] (the "Motion"). On November 3, 2014, the undersigned issued a Recommendation [#19] that this matter be dismissed based on Plaintiff's failure to prosecute. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#10] is **DENIED without prejudice as moot**.

Dated: November 17, 2014