

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01435-WJM-KLM

BENJAMIN FRANCIS KOLE,

Plaintiff,

v.

SHERIFF JUSTIN SMITH, in his individual and official capacities,
CAPTAIN TIMOTHY PALMER, in his individual and official capacities,
LIEUTENANT STACEY SHAFFER, in her individual and official capacities,
DEPUTY CASSONDRA WINDWALKER, in her individual capacity,
LIEUTENANT MICHAEL ESTER, in his individual and official capacities,
CORPORAL BRYCE GRIFFIN, in his individual and official capacities,
PROGRAMS VOLUNTEER COORDINATOR LISA SCHLUETER, in her individual and
official capacities, and
SERGEANT AARON SMOYER, in his individual and official capacities,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Defendants' Motion for Clarification re: Due Date for Response to Third Amended Complaint** [#50]¹ (the "Motion"). In the Motion, Defendants seek clarification regarding their deadline to respond to Plaintiff's Third Amended Complaint [#49]. *Motion* [#50] at 2. On December 1, 2014, the Court ordered that "Defendants need not file an answer or other response until after a ruling issues" on Plaintiff's motion for leave to file the Third Amended Complaint. *Minute Order* [#41] at 1. The Court denied the remaining requests for relief in that motion. *Id.* When the Court granted Plaintiff's motion to file the Third Amended Complaint, it ordered Defendant to "answer or otherwise respond to Plaintiff's Third Amended Complaint in accordance with Fed. R. Civ. P. 15(a)(3)." *Order* [#48] at 23. Therefore, Defendants' deadline to respond to the Third Amended Complaint is controlled by Fed. R. Civ. P. 15(a)(3). However, to the extent the Motion requests that Defendants' deadline to respond to the Third Amended

¹ "[#50]" is an example of the convention I use to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). I use this convention throughout this Minute Order.

Complaint be extended to September 25, 2015, the Court finds good cause for the requested extension. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#50] is **GRANTED**.² Defendants shall respond to the Third Amended Complaint **on or before September 25, 2015**.

Dated: September 3, 2015

² The Court may rule on a pending motion at any time. D.C.COLO.LCivR 7.1(d).