

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01930-WYD-MEH

WYATT T. HANDY, JR.,

Plaintiff,

v.

TRACY DOUGLAS,  
TAMERA COOPER,  
GREG WILKINSON,  
CAPTAIN FRANK, Shift Commander/Duty Officer,  
BOBBY MAYES,  
SHERWYN PHILLIP, and  
TIFFANY DAVIS,

Defendants.

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**MINUTE ORDER**

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on July 20, 2015.**

Before the Court is the CDOC Defendants' Motion to Dismiss Plaintiff's Fourth Amended Complaint [[filed July 19, 2015; docket #158](#)]. On June 15, 2015, the Honorable Wiley Y. Daniel granted Plaintiff leave to file a Fourth Amended Complaint that "adds Tiffany Davis as a Defendant in this case." Docket #127. The Fourth Amended Complaint was filed on July 2, 2015, which adds Davis as a Defendant but makes no other substantive changes, particularly to those claims brought against the CDOC Defendants. *See* docket #151. The CDOC Defendants here, likely in an abundance of caution,<sup>1</sup> filed nearly the same motion to dismiss as that filed on April 6, 2015 to dismiss the Third Amended Complaint. *Compare* docket #74 with docket #158. However, because a recommendation remains pending on the April 6, 2015 motion (docket #138), the Court will **deny** the present (nearly identical) motion **without prejudice** as moot.

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<sup>1</sup>*See* Fed. R. Civ. P. 12(a).