

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02399-RM-KLM

MICHAEL ANGELO MARTINEZ,

Plaintiff,

v.

HEALTH CARE PARTNERS FOUNDATION, INC.,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiffs [sic] Counter Motion to Dismiss [#15]**¹ (the "Motion"). Plaintiff is proceeding in this matter without an attorney. The Motion was titled as a motion and the Clerk's Office therefore filed it as a motion. However, the Motion begins by asking the Court "to not grant Defendant's Motion to Dismiss" and continues by offering Plaintiff's arguments as to why Defendant Health Care Partners & Employees' Motion to Dismiss [#7] should be denied. In addition, on October 1, 2014, the Court ordered Plaintiff to file a response to Defendant Health Care Partners & Employees' Motion to Dismiss [#7] on or before October 31, 2014. *Minute Order* [#10] at 2. The instant Motion was filed on October 15, 2014. Based on the content of the Motion and the fact that the Motion was filed shortly after Plaintiff was ordered to file a response to Defendant Health Care Partners & Employees' Motion to Dismiss [#7], the Court understands the Motion to be a response to Defendant Health Care Partners & Employees' Motion to Dismiss [#7], not a motion requesting affirmative relief. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#15] is **DENIED**. The Court will review the Motion and treat it as a response to Defendant Health Care Partners & Employees' Motion to Dismiss [#7] when considering that motion.

Dated: October 29, 2014

¹ "[#15]" 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.