

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 14-cv-03022-KMT

VINCENT GABRIEL,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

This matter comes before the court on “Plaintiff’s Motion to Withdraw Motion to Amend Filed on June 8, 2015 and to File Renewed Motion to Amend Attached to Proposed Amended Complaint” (Doc. No. 40, filed July 13, 2015) is GRANTED. Although Defendant opposes the motion (*see* Doc. No. 43), the court finds that Defendant will suffer little, if any, prejudice if Plaintiff is allowed to seek leave to file a different amended complaint.

Accordingly, Plaintiff’s Motion to Withdraw (Doc. NO. 40) is GRANTED and “Plaintiff’s Motion Seeking Leave of Court to Amended [sic] Complaint” (Doc. No. 26) is deemed WITHDRAWN. The court construes “Plaintiff’s Reply/Motion to Quash Defendant’s Motion to Oppose Leave to Amend Complaint, to Oppose Vacating of Scheduling Conference, to Clarify Stated Claims and to Eliminate Defendant’s Declaration of Futility and Government Immunity (Renewed Motion to Amend)” (Doc. No. 42, filed July 13, 2015) as a motion for leave to file the proposed Amended Complaint filed on June 22, 2015 (Doc. No. 28). Defendant shall file a response to this motion no later than August 3, 2015 and Plaintiff shall file a reply, if any, no later than August 10, 2015.

Dated: July 20, 2015