

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00182-WJM-KLM

JOHN MICHAEL BROADUS,

Plaintiff,

v.

CHAPDELAIN, Associate Warden,
CHP, Clinical Health Provider,
GILES, Lieutenant,
EVA LITTLE, Lieutenant,
LUYANDO, Lieutenant,
SWINGLE, Lieutenant, and
THODE, Sergeant,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's first **[Motion for] Temporary Restraining Order Pursuant to Fed. R. CV. P. Rule 65** [#49] (the "First Motion") and on Plaintiff's second **[Motion for] Temporary Restraining Order Pursuant to Fed. R. CV. P. Rule 65** [#73] (the "Second Motion"). In the Response to the First Motion [#49], Defendants noted that the relief requested by Plaintiff was not clearly stated: "While unclear, Plaintiff appears to be seeking a Temporary Restraining Order removing his STG label, placing him in a cell to his liking, and limiting purported retaliation." [#65] at 2. The Second Motion [#73] appears to be virtually identical to the First Motion [#49], except that Plaintiff clarifies his requested relief as follows: "Plaintiff is specifically requesting to be moved from the Defendants in this civil case and relocated to a facility of equal custody rating. Plaintiff is not attempting to get moved to a facility of his choice. Any facility of Plaintiff's current custody rating (medium) will suffice. It is within this Court's authority to order the Defendants to temporarily separate themselves by moving Plaintiff until this matter is concluded." [#73] at 7.

Plaintiff proceeds as a pro se litigant.¹ Given the disparity between Defendants' understanding of Plaintiff's requested relief and Plaintiff's clarification of his requested relief, and given that the First Motion and the Second Motion are virtually identical aside from this important difference, the Court finds that the Second Motion should be construed as an amended request for temporary restraining order, as opposed to a reply in support of the First Motion. Accordingly,

IT IS HEREBY **ORDERED** that the First Motion [#49] is **DENIED as moot**. Defendants shall file a Response to the Second Motion [#73] in accordance with D.C.COLO.LCivR 7.1(d).

Dated: May 2, 2016

¹ Attorneys from the law firm of Wilmer Cutler Pickering Hale and Dorr LLP have been selected as pro bono counsel for Plaintiff. They have not yet entered an appearance on his behalf, and the time for them to do so has not yet expired. See [#66].