

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 15-cv-00279-WYD-KLM

SEIFULLAH CHAPMAN,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS;
WARDEN JOHN OLIVER, in his official capacity;
FRANKIE CORDOVA, MD, individually and in his official capacity;
GEORGE SANTINI, MD, individually and in his official capacity;
ANTHONY OSAGIE, PA, individually and in his official capacity;
RONALD CAMACHO, PA, individually and in his official capacity,

Defendants.

ORDER

THIS MATTER comes before the Court on the parties Joint Status Report (ECF No. 109), filed November 6, 2015.

Pursuant to my order at the October 30, 2015 hearing, on November 6, 2015, the parties submitted a joint status report. In the report, the parties indicated the following:

On November 2, 2015, Plaintiff and his counsel met with Defendants' counsel at USP Florence to discuss and formulate a mutually agreeable plan of action to address Plaintiff's medical care. In attendance were Associate Warden Dominic John, Associate Warden Freddie Garrido, Senior Attorney Advisor Clay Cook, Dr. David Oba, Assistant Health Services Administrator Roberto Gomez, Registered Nurse William Chavez, and Brian McPherson from Food Services.

The parties had a frank discussion about the issues surrounding Plaintiff's diabetes treatment. These included the importance of coordinated timing

of delivery of meals and insulin, the number and frequency of refills for diabetes testing supplies (lancets and test strips), the method and frequency of testing Plaintiff's blood sugar by medical staff, the requirement to follow Bureau of Prisons nursing protocols in the event of low blood sugar measurements, and the need for increased communication between medical staff, Plaintiff, and other prison staff in order to provide Plaintiff with predictability in his insulin delivery regimen. The parties agreed on a plan, based on the issues outlined above, to ensure adequate medical care and treatment for Mr. Chapman while in the custody of the Bureau of Prisons.

(ECF No. 109 at 2-3). The report also indicated that Plaintiff was transferred to USP Terre Haute on November 6, 2015.

Accordingly, it is

ORDERED that based on the information provided in the joint status report coupled with the fact that the Plaintiff is now housed at a Level 3 Care Facility in Terre Haute, Indiana, the Plaintiff's Emergency Motion to Enforce Agreement (ECF No. 84) and Renewed Motion for Temporary Restraining Order and/or Motion for Preliminary Injunction (ECF No. 91) are **DENIED WITHOUT PREJUDICE**. It is

FURTHER ORDERED that the hearing set for November 24, 2015 is hereby **VACATED**. A written order on the remaining, pending motions will be issued in the near future.

Dated: November 10, 2015

BY THE COURT:

s/ Wiley Y. Daniel _____
Wiley Y. Daniel
Senior United States District Judge