

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00331-MJW

TREVOR PETERSON,

Plaintiff,

v.

STERLING MOSS,

Defendant.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

On February 27, 2015, Defendant filed a Motion to Substitute the United States as the Sole Defendant for the Plaintiff's Claim Under the Federal Tort Claims Act. (Docket No. 8.) At a status conference on March 18, 2015, the Court gave Plaintiff additional time to file a response, ordering a response to the motion by March 31, 2015. (Docket No. 11.)

On March 30, 2015, Plaintiff filed "Plaintiff's Motion for Continuation of the United States as Sole Defendant." (Docket No. 12.) In this document, Plaintiff does not ask for any sort of extension of time, rescheduling, or similar relief generally known as a "continuance." Rather, he asks that Defendant's employer, the Natural Resources Conservation Service, "continue" to be the defendant. (*Id.* ¶¶ 2, 4.) The Court views this as a response to Defendant's motion rather than a separate motion of its own.

On the merits, the United States should be substituted as the defendant under 28 U.S.C. § 2679, for the reasons stated in Defendant's motion.

It is therefore ORDERED that:

- Plaintiff's Motion for Continuation of the United States as Sole Defendant (Docket No. 12) is DENIED AS MOOT and is instead treated as a response to Defendant's motion to substitute;
- Defendant's Motion to Substitute the United States as the Sole Defendant for the Plaintiff's Claim Under the Federal Tort Claims Act (Docket No. 8) is GRANTED; and
- The Clerk of Court is directed to substitute the United States of America

for Sterling Moss as Defendant in this matter.

Date: March 31, 2015
