

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch

Civil Action No. 15-cv-01171-RPM

DAN CHAPMAN,

Plaintiff,

v.

STATE OF COLORADO,  
COLORADO DEPARTMENT OF CORRECTIONS,  
DENVER RECEPTION AND DIAGNOSTIC CENTER,  
COLORADO TERRITORIAL FACILITY and  
DELTA CORRECTIONAL FACILITY,

Defendants.

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ORDER DENYING MOTION TO FILE SECOND AMENDED COMPLAINT

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The defendants named in the amended complaint [Doc. 11] filed a motion to dismiss on July 22, 2015. That motion asserts both a lack of jurisdiction under Rule 12(b)(1) and failure to state a claim under Rule 12(b)(6). The plaintiff has been granted motions for extension of time to respond up to the date of September 23, 2015. On that date the plaintiff filed a motion to file a second amended complaint and another request to defer response to the motion to dismiss. There is no indication that the suggested second amended complaint would cure the defects asserted in the motion to dismiss. It is

ORDERED that the motion to file a second amended complaint is denied and the plaintiff will respond to the motion to dismiss by October 5, 2015.

DATED: September 24<sup>th</sup>, 2015

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior Judge