

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 15-cv-02203-RM-KLM

SALVADOR MAGLUTA,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,
CHARLES DANIELS, Warden at U.S.P. Florence,
THERESA NEHLS, Nurse Practitioner, F.C.C. Florence,
DAVID ALLRED, Clinical Director, F.C.C. Florence,
LISA MCDERMOTT, A.H.S.A., F.C.C. Florence,
F.N.U. SANTINI,
F.N.U. WISE, and
JOHN DOES, BOP Staff Florence,

Defendants.

ORDER

This case is before the Court on the following matters:

- (1) the Recommendation and Order of United States Magistrate Judge (the “Recommendation”) (ECF No. 26), recommending granting Plaintiff’s Motion for Leave to File Amended Complaint (the “Motion to Amend”) (ECF No. 22), which is unopposed by Defendants; and
- (2) Defendants’ Unopposed Motion to Modify Deadlines to Respond to Plaintiff’s Amended Complaint (the “Motion to Modify”) (ECF No. 28), seeking relief from responding to Plaintiff’s Second Amended Complaint (ECF No. 12) and leave to coordinate the date in which Defendants’ answers or responses to Plaintiff’s Third

Amended Complaint would be due with the date in which the new defendants'¹ answers or responses to the Third Amended Complaint would be due, in the event the Court accepts the Recommendation and grants Plaintiff's Motion to Amend.

The Recommendation is incorporated herein by reference. *See* 28 U.S.C. § 636(b)(1)(B); FED. R. CIV. P. 72(b).

The Recommendation advised the parties that specific written objections were due within fourteen days after being served with a copy of the Recommendation. The time for any objection has not run, but the Court finds the Recommendation should be accepted as to the Motion to Amend because: (1) the Motion to Amend is unopposed by Defendants; (2) the Court has conducted a *de novo* review of the Motion to Amend and independently finds leave to amend should be granted; and (3) Defendants' Motion to Modify appears to indicate no objection to the Recommendation will be filed.

As for Defendants' Motion to Modify, the Court finds the purpose of the FED. R. CIV. P. 1 would be served with a consolidated response date to the Third Amended Complaint.

Accordingly, the Court **ORDERS** as follows:

- (1) The Recommendation (ECF No. 26) is **ACCEPTED** as an order of this Court;
- (2) Plaintiff's Motion for Leave to File Amended Complaint (ECF No. 22) is **GRANTED**;
- (3) Plaintiff's Third Amended Complaint is **ACCEPTED** as filed and the Clerk of the Court shall docket the Third Amended Complaint (ECF No. 22-3) as a separate docket entry; and

¹ Added with the Third Amended Complaint.

(4) Defendants' Unopposed Motion to Modify Deadlines to Respond to Plaintiff's Amended Complaint (ECF No. 28) is **GRANTED**. Defendants' answers or responses to the Third Amended Complaint shall be due the same date that the new Defendants' (N. Kimble and Nixon Roberts, DDS) answers or responses to the Third Amended Complaint are due, as computed under Fed. R. Civ. P. 12.

DATED this 11th day of April, 2016.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge