

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02386-MSK-KLM

ROBERT BURKITT,

Plaintiff,

v.

JENNIFER POMEROY, and
CATHERINE BYREM, individually and as a Deputy Sheriff, Jefferson County, Colorado,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion to Amend Paragraph 152 of Second Amended Complaint** [#28] (the "Motion to Amend") and on Defendant Jennifer Pomeroy's **Unopposed Motion to Clarify Deadline for Responding to Second and Third Amended Complaints** [#37] (the "Motion to Clarify"). The current complaint in this matter is the Amended Complaint [#12], against which two Motions to Dismiss [#16, #17] are pending. On December 7, 2015, Plaintiff filed a partially opposed request to file a Second Amended Complaint. See [#24, #25]. That motion is not yet ripe. Two days later, on December 9, 2015, Plaintiff filed the instant Motion to Amend [#28], in which he seeks to amend an "important" paragraph of the proposed Second Amended Complaint [#25]. However, Plaintiff has not filed a proposed complaint which incorporates this change. The Court will not permit piecemeal submission of a complaint in this matter. Plaintiff must submit a single document which includes all the information he wishes to present in his complaint. Accordingly,

IT IS HEREBY **ORDERED** that the Motion to Amend [#28] is **DENIED without prejudice**.

In the Motion to Clarify [#37], Defendant Pomeroy asks the Court to set a deadline for her to respond to the proposed Second Amended Complaint. (The "Third Amended Complaint" which she references in the Motion to Clarify is apparently the complaint which was not filed in connection with the Motion to Amend [#28] discussed above.) Although Defendant Pomeroy does not oppose Plaintiff's requested amendments in the proposed Second Amended Complaint, Defendant Byrem does so, at least in part. Setting a deadline

of 14 days after the Court rules on Plaintiff's Motion to Allow Filing of Second Amended Complaint [#24] will allow both Defendants to respond to the new complaint at the same time, should the filing of the Second Amended Complaint be permitted. See Fed. R. Civ. P. 15(a)(3). Accordingly,

IT IS FURTHER **ORDERED** that the Motion to Clarify [#37] is **GRANTED** to the extent that, if the proposed Second Amended Complaint is accepted for filing, Defendant Pomeroy shall file an answer or other response to Plaintiff's Second Amended Complaint 14 days after the Court grants Plaintiff's Motion to Allow Filing of Second Amended Complaint [#24].

Dated: January 4, 2016