

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

Civil Action No. 17-cv-00773-RM-KLM

JAMES MICHAEL BERTOLO,

Plaintiff,

v.

MIKE ROMERO,
GARY WARD,
LAURA SHAIN,
LAURA BORREGO-GIBBS,
KRISTY STANSELL,
CAROL TRUJILLO,
TRISHA KAUTZ PA,
KELSEY DILLINGER, and
JOHN DOE,

Defendants.

ORDER

This matter is before the Court on Plaintiff's "Motion to Objection of the Court Denied Motion Dated July 19, 2018" (the "Objection") (ECF No. 81), objecting to the Magistrate Judge's Minute Order of July 16, 2018 (ECF No. 79) denying Plaintiff's second request for extension of time to submit a "revised" third amended complaint and in excess of 30 pages. In consideration Plaintiff's Objection, the Court has carefully examined the record in this case, including when this case was initially filed (March 27, 2017), the opportunities Plaintiff has been given to amend his complaint, and the extensions of time Plaintiff has previously been granted. Upon consideration of the record, and the applicable law, including Fed. R. Civ. P. 72, and being otherwise fully advised, Plaintiff's objection is overruled because he fails to show that another

extension of time should have been afforded. On the contrary, for example, Plaintiff's first motion for extension of time to file another third amended complaint advised the court that he had "*completed* the complaint [which exceeds 30 pages], but the law library clerk will not print the complaint in excess of 30 pages without" a court order.¹ (ECF No. 71 at ¶10, emphasis added.) That first motion for extension of time is dated June 20, 2018, more than one month ago. Thus, Plaintiff failed to show that he should have been given another extension of time.

In considering Plaintiff's Objection, the Court recognizes that the July 16, 2018, Minute Order denied Plaintiff's second motion for extension of time as moot as a third amended complaint had been filed, but it appears the second motion was not moot.² Instead, by Minute Order dated June 28, 2018, the Magistrate Judge had granted Plaintiff an additional 14 days to submit another third amended complaint (essentially, a fourth amended complaint) and in excess of 30 pages (maximum of 45 pages). (ECF No. 75.) Regardless, for the reasons stated above, Plaintiff's second motion was nonetheless properly subject to denial for failure to show good cause for the requested extension. Accordingly, it is

ORDERED that Plaintiff's "Motion to Objection of the Court Denied Motion Dated July 19, 2018" (ECF No. 81) is **DENIED**.

DATED this 25th day of July, 2018.

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

¹ Plaintiff further advised that he would continue condensing the amended complaint further, awaiting further court order.

² In addition to his first request for an extension of time and leave to exceed the 30-page limitation, Plaintiff had filed a third amended complaint within the 30-page limitation. (ECF No. 76.)