

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

Civil Action No. 17-cv-02755-RM-MEH

MICHAEL BALDUCCI,

Plaintiff,

v.

CONGO LTD., a Colorado Corporation,

Defendant.

ORDER

This matter is before the Court on Plaintiff's Motion to Amend Complaint (the "Motion") (ECF No. 62) filed after the Court granted default judgment on two of Plaintiff's six claims. Final judgment was initially entered but then vacated as there are four claims remaining. By his Motion, Plaintiff seeks to amend his operative complaint in order to dismiss those four remaining claims so that there are no claims remaining and final judgment may enter. Upon consideration of the Motion, and the Court record, and to promote the "just, speedy, and inexpensive determination of every action and proceeding," Fed. R. Civ. P. 1, the Court construes the Motion as a request to dismiss, without prejudice, the remaining four claims. *See Dietz v. Bouldin*, 136 S. Ct. 1885, 1888-89 (2016) (noting a district court's "inherent power" to "manage its docket and courtroom with a view toward the efficient and expedient resolution of cases"). So construed, and finding good cause for the dismissal of the remaining four claims, the Court **ORDERS** as follows:

- (1) That the Motion to Amend (ECF No. 62), construed as a motion to dismiss, is GRANTED and Plaintiff's Second, Third, Fourth, and Sixth Claims for Relief are DISMISSED WITHOUT PREJUDICE; and
- (2) That there being no claims remaining, the Clerk shall enter JUDGMENT in favor of Plaintiff and against Defendant in accordance with the Default Judgment and then close this case.

DATED this 6th day of February, 2020.

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