

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

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

SALVADOR MAGLUTA,

Plaintiff,

v.

CHARLES DANIELS, Former Warden, FCC Florence, *et al.*,

Defendants.

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**DEFENDANTS' WAIVER OF REPLY TO PLAINTIFF'S RESPONSE TO  
DEFENDANTS' RENEWED MOTION TO DISMISS (ECF No. 143)**

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Defendants Allred, Daniels, McDermott, Nehls, Roberts, and Santini waive their right to reply to "Plaintiffs Response to Defendants Motion to Dismiss Remaining Claims Doc-(129) and Response to the Courts Orders Doc-(139) and (142), and 'P' Request for Discovery Pursuant to Fed. R. Civ. P. 56(d)." <sup>1</sup> Plaintiff's response is not germane to the issues raised in Defendants' Renewed Motion to Dismiss Remaining Claims in Plaintiff's Fourth Amended Complaint.

Respectfully submitted this 14th day of February, 2019.

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<sup>1</sup> To the extent that Plaintiff is seeking affirmative relief in his response (*i.e.*, leave to conduct discovery pursuant to Fed. R. Civ. P. 56(d)), he must file a separate motion. D.C.COLO.LCivR 7.1(d) ("A motion shall not be included in a response or reply to the original motion. A motion shall be filed as a separate document.").

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of February, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

A true and correct copy (along with cited cases that are unpublished) will be mailed to Plaintiff at the address below, via First Class Mail, postage prepaid:

Salvador Magluta  
Reg. # 26012-037  
U.SP. – Administrative Maximum  
P.O. Box 8500  
Florence, CO 81220-8500

s/ Leah Butler  
U.S. Attorney's Office