

**U.S. District Court – District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:15-cv-02203-RM-KLM**

Magluta v. Federal Bureau of Prisons
Assigned to: Judge Raymond P. Moore
Referred to: Magistrate Judge Kristen L. Mix
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/05/2015
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner – Civil Rights
(U.S. not a defendant)
Jurisdiction: Federal Question

Plaintiff

Salvador Magluta

represented by **Salvador Magluta**
26012-037
FLORENCE ADMAX
U.S. PENITENTIARY
Inmate Mail/Parcels
PO BOX 8500
FLORENCE, CO 81226
PRO SE

Adam Frank
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TERMINATED: 04/10/2017

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V.

Defendant

Federal Bureau of Prisons
TERMINATED: 01/17/2017

represented by **Mark S. Pestal**
U.S. Attorney's Office-Denver

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ATTORNEY TO BE NOTICED

Defendant

Charles Daniels
*Former Warden, FCC Florence, in his
official capacity*

represented by **Mark S. Pestal**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Teresa Nehls
*Former Nurse Practitioner FCC
Florence, in her official capacity*

represented by **Mark S. Pestal**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Lisa McDermott
*Assistant Health Services Administrator
FCC Florence in her official capacity*

represented by **Mark S. Pestal**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

George Santini
*M.D., Clinical Director, FCC Florence,
in his official capacity*

represented by **Mark S. Pestal**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Dr. Nixon Roberts
Dentist FCC Florence

represented by **Mark S. Pestal**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

David Allred
*Former Clinical Director, FCC Florence,
in his official capacity*

represented by **Mark S. Pestal**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

M. Amelia Weise
*Legal Assistant FCC Florence
TERMINATED: 01/17/2017*

represented by **Mark S. Pestal**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Doe 1-15
*Unknown Staff FCC Florence, in their
official capacity*

represented by **Mark S. Pestal**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

N. Kimble
*Psychologist FCC Florence
TERMINATED: 01/17/2017*

represented by **Mark S. Pestal**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Charles (I) Daniels
*Former Warden, FCC Florence, in his
individual capacity*

represented by **Mark S. Pestal**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

David (I) Allred
*Former Clinical Director, FCC Florence,
 in his individual capacity*

represented by **Mark S. Pestal**
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

George (I) Santini
*MD, Clinical Director, FCC Florence, in
 his individual capacity*

represented by **Mark S. Pestal**
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

Lisa (I) McDermott
*Assistant Health Services Administrator,
 FCC Florence, in her individual capacity*

represented by **Mark S. Pestal**
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

Teresa (I) Nehls
*Former Nurse Practitioner, FCC
 Florence, in her individual capacity*

represented by **Mark S. Pestal**
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

Nixon (I) Roberts
*DDS, Dentist, FCC Florence, in his
 individual capacity*

represented by **Mark S. Pestal**
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 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/05/2015	<u>1</u>	COMPLAINT against David Allred, Charles Daniels, Federal Bureau of Prisons, Jon Do's, Lisa McDermott, Theresa Nehls, Fnu Santini Filing Fee: \$400.00 Receipt Number:#70999, filed by Salvador Magluta.(amenz,) (Entered: 10/06/2015)
10/05/2015	2	Case assigned to Magistrate Judge Gordon P. Gallagher. Text Only Entry. (amenz,) (Entered: 10/06/2015)
10/07/2015	<u>3</u>	ORDER TO AMEND by Magistrate Judge Gordon P. Gallagher on 10/7/15. (dkals,) (Entered: 10/07/2015)
11/04/2015	4	NOTICE of Entry of Appearance by Paul Domenic Petruzzi on behalf of Salvador MaglutaAttorney Paul Domenic Petruzzi added to party Salvador Magluta(pty:pla) (Petruzzi, Paul) (Entered: 11/04/2015)
11/04/2015	<u>5</u>	MOTION for Extension of Time to <i>File Amended Complaint</i> by Plaintiff Salvador Magluta. (Petruzzi, Paul) (Entered: 11/04/2015)
11/05/2015	<u>6</u>	MINUTE ORDER granting <u>5</u> Motion for Extension of Time to File by Magistrate Judge Gordon P. Gallagher on 11/5/15.(dkals,) (Entered: 11/05/2015)
11/10/2015	<u>7</u>	STRICKEN – AMENDED COMPLAINT against David Allred, Charles Daniels, Federal Bureau of Prisons, Jon Do's, Lisa McDermott, Theresa Nehls, Fnu Santini, filed by Salvador Magluta. Stricken pursuant to the 11/10/15 Minute Order. (dkals,) (Entered: 11/12/2015)
11/10/2015	<u>8</u>	STRICKEN – RESPONSE entitled "Plaintiffs Response to the Courts Order to Amend the Plaintiff's Complaint and Request for the Court to Accept the Plaintiffs Pro Se Amended Complaint if Plaintiffs Private Counsel (Mr. Paul Petruzzi) has not Made a Notice of Appearance by the Courts Due Date of November 6 2015" by Plaintiff Salvador Magluta. Stricken pursuant to the 11/10/15 Minute Order. (dkals,) (Entered: 11/12/2015)
11/10/2015	<u>9</u>	MINUTE ORDER striking the 11/10/15 filings by Magistrate Judge Gordon P. Gallagher on 11/10/15. (dkals,) (Entered: 11/12/2015)
12/07/2015	<u>10</u>	AMENDED COMPLAINT against All Defendants, filed by Salvador Magluta.(Petruzzi, Paul) (Entered: 12/07/2015)

12/09/2015	<u>11</u>	ORDER TO AMEND by Magistrate Judge Gordon P. Gallagher on 12/9/15. (dkals,) (Entered: 12/09/2015)
01/08/2016	<u>12</u>	AMENDED COMPLAINT <i>FOR DAMAGES, DECLARATORY AND INJUNCTIVE RELIEF AND JURY DEMAND</i> against All Defendants, filed by Salvador Magluta.(Petruzzi, Paul) (Entered: 01/08/2016)
01/14/2016	<u>13</u>	ORDER DRAWING CASE: Case reassigned to Judge Raymond P. Moore and to Magistrate Judge Kristen L. Mix for all further proceedings by Magistrate Judge Gordon P. Gallagher on 1/14/16. Magistrate Judge Gordon P. Gallagher no longer assigned to case. (dkals,) (Entered: 01/15/2016)
01/15/2016	14	ORDER REFERRING CASE to Magistrate Judge Kristen L. Mix. Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b), this case is referred to the assigned United States Magistrate Judge to (1) convene a scheduling conference under Fed. R. Civ. P. 16(b) and enter a scheduling order meeting the requirements of D.C.COLO.LCivR 16.2, (2) conduct such status conferences and issue such orders necessary for compliance with the scheduling order, including amendments or modifications of the scheduling order upon a showing of good cause, (3) hear and determine pretrial matters, including discovery and other non-dispositive motions, (4) conduct a pretrial conference and enter a pretrial order, and (5) conduct hearings, including evidentiary hearings, and submit proposed findings of fact and recommendations for rulings on dispositive motions. Court sponsored alternative dispute resolution is governed by D.C.COLO.LCivR 16.6. On the recommendation or informal request of the magistrate judge or on the request of the parties by motion, this court may direct the parties to engage in an early neutral evaluation, a settlement conference, or another alternative dispute resolution proceeding. Entered by Judge Raymond P. Moore on 1/15/2016. (Text Only Entry) (rmsec) (Entered: 01/15/2016)
01/21/2016	<u>15</u>	No Summons Issued. Magistrate Judge consent form issued pursuant to 28 U.S.C. 636(c). (sphil,) (Entered: 01/21/2016)
01/22/2016	<u>16</u>	ORDER SETTING SCHEDULING/PLANNING CONFERENCE by Magistrate Judge Kristen L. Mix on 1/22/16. Scheduling Conference set for 4/14/2016 11:00 AM in Courtroom A401 before Magistrate Judge Kristen L. Mix. (Attachments: # <u>1</u> Attachment 1, # <u>2</u> Attachment 2, # <u>3</u> Attachment 3) (lgale,) (Entered: 01/25/2016)
03/10/2016	<u>17</u>	WAIVER OF SERVICE Returned Executed by Salvador Magluta. David Allred waiver sent on 3/1/2016, answer due 5/2/2016; Charles Daniels waiver sent on 2/11/2016, answer due 4/11/2016; Lisa McDermott waiver sent on 3/3/2016, answer due 5/2/2016; Theresa Nehls waiver sent on 3/1/2016, answer due 5/2/2016; Santini waiver sent on 3/2/2016, answer due 5/2/2016. (cthom,) (Entered: 03/10/2016)
03/22/2016	<u>18</u>	MOTION to Amend/Correct/Modify <i>Amended Complaint</i> by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Petruzzi, Paul) (Entered: 03/22/2016)
03/22/2016	19	MEMORANDUM regarding <u>18</u> MOTION to Amend/Correct/Modify <i>Amended Complaint</i> filed by Salvador Magluta. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 3/22/2016. (Text Only Entry) (rmsec) (Entered: 03/22/2016)
03/22/2016	<u>20</u>	STRICKEN: AMENDED COMPLAINT against All Defendants, filed by Salvador Magluta.(Petruzzi, Paul) Modified on 3/25/2016 to strike pursuant to <u>21</u> Minute Order. (nmarb,). (Entered: 03/22/2016)
03/25/2016	<u>21</u>	MINUTE ORDER by Magistrate Judge Kristen L. Mix on 03/25/16 DENYING without prejudice <u>18</u> Motion for Leave to File Amended Complaint. IT IS FURTHER ORDERED that the Amended Complaint [#20] is STRICKEN.(nmarb,) (Entered: 03/25/2016)
04/06/2016	<u>22</u>	MOTION to Amend/Correct/Modify <u>12</u> Amended Complaint by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Proposed Order (PDF Only), # <u>2</u> Exhibit 1, # <u>3</u> Proposed Document)(Petruzzi, Paul) (Entered: 04/06/2016)
04/06/2016	23	MEMORANDUM regarding <u>22</u> MOTION to Amend/Correct/Modify <u>12</u> Amended Complaint filed by Salvador Magluta. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 4/6/2016. (Text Only Entry) (rmsec)

		(Entered: 04/06/2016)
04/07/2016	<u>24</u>	Unopposed MOTION to Continue <i>Scheduling/Planning Conference</i> by Plaintiff Salvador Magluta. (Petruzzi, Paul) (Entered: 04/07/2016)
04/07/2016	25	MEMORANDUM regarding <u>24</u> Unopposed MOTION to Continue <i>Scheduling/Planning Conference</i> filed by Salvador Magluta. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 4/7/2016. (Text Only Entry) (rmsec) (Entered: 04/07/2016)
04/08/2016	<u>26</u>	RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE by Magistrate Judge Kristen L. Mix on 4/8/16. IT IS HEREBY RECOMMENDED that the Motion to Amend # <u>22</u> be GRANTED and that the Third Amended Complaint [#22-3] be accepted for filing. IT IS FURTHER ORDERED that the Motion to Continue # <u>24</u> is GRANTED, and the Scheduling Conference set for April 14, 2016 is VACATED and RESET to May 24, 2016 at 11:00 a.m. (lgale,) (Entered: 04/08/2016)
04/08/2016	27	ORDER by Magistrate Judge Kristen L. Mix on 4/8/16. Unopposed Motion to Continue Scheduling/Planning Conference # <u>24</u> is GRANTED. IT IS FURTHER ORDERED that the Motion to Continue # <u>24</u> is GRANTED, and the Scheduling Conference set for April 14, 2016 is VACATED and RESET to May 24, 2016 at 11:00 AM in Courtroom A401 before Magistrate Judge Kristen L. Mix. Entry made pursuant to the Recommendation and Order of United Magistrate Judge #26]. ext Only Entry(lgale,) Modified on 4/8/2016 to note this entry was made pursuant to the Recommendation(lgale,). (Entered: 04/08/2016)
04/08/2016	<u>28</u>	Unopposed MOTION to Reset <i>Response Deadlines to Plaintiff's Complaint</i> by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, Lisa McDermott, Theresa Nehls, Santini. (Pestal, Mark) (Entered: 04/08/2016)
04/11/2016	<u>29</u>	ORDER Accepting <u>26</u> RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE by Magistrate Judge Kristen L. Mix; Plaintiffs Motion for Leave to File Amended Complaint <u>22</u> is GRANTED and Plaintiffs Third Amended Complaint is ACCEPTED as filed and the Clerk of the Court shall docket the Third Amended Complaint as a separate docket entry; and Defendants Unopposed Motion to Modify Deadlines to Respond to Plaintiffs Amended Complaint <u>28</u> is GRANTED. It is ORDERED by Judge Raymond P. Moore on 04/11/2016.(cthom,) (Entered: 04/11/2016)
04/11/2016	<u>30</u>	AMENDED COMPLAINT against David Allred, Charles Daniels, Federal Bureau of Prisons, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, M. Amelia Weise, John Doe 1-15, N. Kimble, filed by Salvador Magluta. Filed separately pursuant to <u>29</u> Order on Recommendations. (cthom,) (Entered: 04/11/2016)
04/26/2016	<u>31</u>	NOTICE of Entry of Appearance <i>fon Behalf of Salvador Magluta</i> by Benson Barry Weintraub on behalf of Salvador Magluta Attorney Benson Barry Weintraub added to party Salvador Magluta(pty:pla) (Weintraub, Benson) (Entered: 04/26/2016)
04/28/2016	<u>32</u>	WAIVER OF SERVICE Returned Executed by Salvador Magluta. N. Kimble waiver sent on 4/22/2016, answer due 6/21/2016; Nixon Roberts waiver sent on 4/25/2016, answer due 6/24/2016; M. Amelia Weise waiver sent on 4/27/2016, answer due 6/27/2016. (Attachments: # <u>1</u> Waiver of the Service of Summons, # <u>2</u> Waiver of the Service of Summons)(cthom,) (Entered: 04/28/2016)
05/18/2016	<u>33</u>	MOTION to Vacate <i>and Reset May 24, 2016, Scheduling Conference</i> by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, M. Amelia Weise. (Pestal, Mark) (Entered: 05/18/2016)
05/19/2016	34	MEMORANDUM regarding <u>33</u> MOTION to Vacate <i>and Reset May 24, 2016, Scheduling Conference</i> filed by Charles Daniels, David Allred, Theresa Nehls, Federal Bureau of Prisons, M. Amelia Weise, Lisa McDermott, George Santini, Nixon Roberts. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 5/19/2016. (Text Only Entry) (rmsec) (Entered: 05/19/2016)
05/20/2016	<u>35</u>	MINUTE ORDER by Magistrate Judge Kristen L. Mix on 05/20/16 GRANTING <u>33</u> Defendants' Unopposed Motion to Vacate and Reset May 24, 2016 Scheduling Conference. The parties shall submit the proposed scheduling order no later than June

		28, 2016. Scheduling Conference is re-set for 7/5/2016 10:30 AM in Courtroom A 401 before Magistrate Judge Kristen L. Mix.(nmarb,) (Entered: 05/20/2016)
06/06/2016	<u>36</u>	Unopposed MOTION to Withdraw as Attorney by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Exhibit Letter From Physician, # <u>2</u> Proposed Order (PDF Only))(Weintraub, Benson) (Entered: 06/06/2016)
06/06/2016	37	MEMORANDUM regarding <u>36</u> Unopposed MOTION to Withdraw as Attorney filed by Salvador Magluta. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 6/6/2016. (Text Only Entry) (rmsec) (Entered: 06/06/2016)
06/07/2016	38	ORDER granting <u>36</u> Motion to Withdraw as Attorney. Attorney Benson Weintraub is relieved of any further representation of Plaintiff. The Clerk of Court is instructed to terminate Attorney Weintraub as counsel of record, and to remove this name from the electronic certificate of mailing. Plaintiff shall continue to be represented by Attorney Paul Petruzzi. by Magistrate Judge Kristen L. Mix on 6/7/2016. Text Only Entry(klmlc1,) (Entered: 06/07/2016)
06/21/2016	<u>39</u>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re <u>30</u> Amended Complaint, by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, M. Amelia Weise. (Pestal, Mark) (Entered: 06/21/2016)
06/21/2016	40	MEMORANDUM regarding <u>39</u> Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re <u>30</u> Amended Complaint, filed by Charles Daniels, David Allred, Theresa Nehls, Federal Bureau of Prisons, N. Kimble, M. Amelia Weise, Lisa McDermott, George Santini, Nixon Roberts. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 6/22/2016. (Text Only Entry) (rmsec) (Entered: 06/21/2016)
06/28/2016	<u>41</u>	MINUTE ORDER by Magistrate Judge Kristen L. Mix on 6/28/16. Unopposed Motion for Seven-Day Extension of Time to Respond to Plaintiff's Amended Complaint <u>39</u> is GRANTED.(lgale,) (Entered: 06/28/2016)
06/28/2016	<u>42</u>	MOTION to Dismiss by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, M. Amelia Weise. (Pestal, Mark) (Entered: 06/28/2016)
06/28/2016	<u>43</u>	MOTION for Summary Judgment <i>Relating to Unexhausted Claims 3, 4, and 6</i> by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, M. Amelia Weise. (Attachments: # <u>1</u> Exhibit A)(Pestal, Mark) (Entered: 06/28/2016)
06/28/2016	<u>44</u>	Unopposed MOTION to Stay <i>Discovery</i> by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, M. Amelia Weise. (Pestal, Mark) (Entered: 06/28/2016)
06/28/2016	<u>45</u>	Proposed Scheduling Order by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, M. Amelia Weise. (Pestal, Mark) (Entered: 06/28/2016)
06/28/2016	46	MEMORANDUM regarding <u>44</u> Unopposed MOTION to Stay <i>Discovery</i> filed by Charles Daniels, David Allred, Theresa Nehls, Federal Bureau of Prisons, N. Kimble, M. Amelia Weise, Lisa McDermott, George Santini, Nixon Roberts. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 6/28/2016. (Text Only Entry) (rmsec) (Entered: 06/28/2016)
06/29/2016	<u>47</u>	Unopposed MOTION for Leave to Appear <i>by Telephone at Scheduling Conference</i> by Plaintiff Salvador Magluta. (Petruzzi, Paul) (Entered: 06/29/2016)
06/29/2016	48	ORDER. This matter is before the Court sua sponte. Defendant's Partial Motion for Summary Judgment Relating to Unexhausted Claims 3, 4, and 6 [ECF No. 43] is hereby STRICKEN for failure to provide a separate statement of undisputed material facts as required by Judge Raymond P. Moore's Civil Practice Standards (Section IV.B.2 and Exhibit 1). Defendant may submit a compliant Partial Motion for Summary Judgment by Tuesday, July 5, 2016.SO ORDERED by Judge Raymond P. Moore on 6/29/2016. (Text Only Entry)(rmsec) (Entered: 06/29/2016)

06/29/2016	<u>49</u>	MEMORANDUM regarding <u>47</u> Unopposed MOTION for Leave to Appear by Telephone at Scheduling Conference filed by Salvador Magluta. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 6/29/2016. (Text Only Entry) (rmsec) (Entered: 06/29/2016)
06/29/2016	<u>50</u>	ORDER granting <u>47</u> Motion for Leave to Appear by Telephone. Counsel for Plaintiff shall call the Court at 303-335-2770 at the time of the Scheduling Conference. All parties who are granted leave to appear telephonically must initiate a conference call before dialing the Court. by Magistrate Judge Kristen L. Mix on 6/29/2016. Text Only Entry(klmlc1,) (Entered: 06/29/2016)
06/29/2016	<u>51</u>	STIPULATION on Order by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, M. Amelia Weise. (Pestal, Mark) (Entered: 06/29/2016)
06/29/2016	<u>52</u>	Amended MOTION for Summary Judgment by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini. (Attachments: # <u>1</u> Exhibit A)(Pestal, Mark) (Entered: 06/29/2016)
06/30/2016	<u>53</u>	ORDER striking <u>52</u> Motion for Summary Judgment. This matter is before the Court sua sponte upon consideration of Defendants' Revised Partial Motion for Summary Judgment ("Motion") <u>52</u> which is still noncompliant. The Statement of Undisputed Facts is to be filed as an Exhibit to the Motion, and not within the Motion itself. See Judge Raymond P. Moore's Civil Practice Standards, Exhibit 1, located at the end of the Practice Standards at pages 19-21. Defendants may file a compliant motion by close of business today, Thursday, June 30, 2016. SO ORDERED by Judge Raymond P. Moore on 6/30/2016. (Text Only Entry)(rmsec) (Entered: 06/30/2016)
06/30/2016	<u>54</u>	Second MOTION for Partial Summary Judgment (<i>Amended</i>) by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, M. Amelia Weise. (Attachments: # <u>1</u> Exhibit A – Statement of Undisputed Facts, # <u>2</u> Exhibit B – Maurello Declaration)(Pestal, Mark) (Entered: 06/30/2016)
06/30/2016	<u>55</u>	MEMORANDUM regarding <u>54</u> Second MOTION for Partial Summary Judgment (<i>Amended</i>) filed by Charles Daniels, David Allred, Theresa Nehls, Federal Bureau of Prisons, N. Kimble, M. Amelia Weise, Lisa McDermott, George Santini, Nixon Roberts, <u>42</u> MOTION to Dismiss filed by Charles Daniels, David Allred, Theresa Nehls, Federal Bureau of Prisons, N. Kimble, M. Amelia Weise, Lisa McDermott, Nixon Roberts, George Santini. Motions referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 6/30/2016. (Text Only Entry) (rmsec) (Entered: 06/30/2016)
06/30/2016	<u>56</u>	ORDER by Magistrate Judge Kristen L. Mix on 6/30/16. Unopposed Motion for Stay of Discovery <u>44</u> is GRANTED. IT IS FURTHER ORDERED that the Scheduling Conference set for July 5, 2016 is VACATED. (lgale,) (Entered: 06/30/2016)
06/30/2016	<u>57</u>	STIPULATED ORDER by Magistrate Judge Kristen L. Mix on 6/30/16. (lgale,) (Entered: 06/30/2016)
07/18/2016	<u>58</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>54</u> Second MOTION for Partial Summary Judgment (<i>Amended</i>), <u>42</u> MOTION to Dismiss by Plaintiff Salvador Magluta. (Petruzzi, Paul) (Entered: 07/18/2016)
07/18/2016	<u>59</u>	MEMORANDUM regarding <u>58</u> Unopposed MOTION for Extension of Time to File Response/Reply as to <u>54</u> Second MOTION for Partial Summary Judgment (<i>Amended</i>), <u>42</u> MOTION to Dismiss filed by Salvador Magluta. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 7/18/2016. (Text Only Entry) (rmsec) (Entered: 07/18/2016)
07/27/2016	<u>60</u>	MINUTE ORDER; Plaintiff's <u>58</u> Unopposed Motion for Extension of Time to File Response is GRANTED, by Magistrate Judge Kristen L. Mix on 7/27/16.(morti,) (Entered: 07/27/2016)
07/28/2016	<u>61</u>	NOTICE of Entry of Appearance by Adam Frank on behalf of Salvador MaglutaAttorney Adam Frank added to party Salvador Magluta(pty:pla) (Frank, Adam) (Entered: 07/28/2016)

07/29/2016	<u>62</u>	NOTICE of Entry of Appearance by Faisal Ahmed Salahuddin on behalf of All Plaintiffs Attorney Faisal Ahmed Salahuddin added to party Salvador Magluta(pty:pla) (Salahuddin, Faisal) (Entered: 07/29/2016)
08/04/2016	<u>63</u>	MOTION for Extension of Time to File Response/Reply as to <u>54</u> Second MOTION for Partial Summary Judgment (<i>Amended</i>), <u>42</u> MOTION to Dismiss by Plaintiff Salvador Magluta. (Frank, Adam) (Entered: 08/04/2016)
08/04/2016	64	MEMORANDUM regarding <u>63</u> MOTION for Extension of Time to File Response/Reply as to <u>54</u> Second MOTION for Partial Summary Judgment (<i>Amended</i>), <u>42</u> MOTION to Dismiss filed by Salvador Magluta. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 8/4/2016. (Text Only Entry) (rmsec) (Entered: 08/04/2016)
08/10/2016	<u>65</u>	SUPPLEMENT/AMENDMENT to <i>Plaintiff's Unopposed Motion for Extension of Time</i> by Plaintiff Salvador Magluta. (Salahuddin, Faisal) (Entered: 08/10/2016)
08/10/2016	<u>66</u>	MINUTE ORDER; <u>63</u> Unopposed Motion for Extension of Time for New Counsel to Address the Pending Motions is GRANTED. Plaintiff shall file his Response to Defendants Motion to Dismiss [#42] on or before September 7, 2016, and shall file his Response to Defendants Second Motion for Partial Summary Judgment [#54] on or before September 14, 2016, by Magistrate Judge Kristen L. Mix on 8/10/16.(morti,) (Entered: 08/11/2016)
09/07/2016	<u>67</u>	MOTION to Strike <u>42</u> MOTION to Dismiss <i>for Violating Judge Moore's Practice Standards</i> by Plaintiff Salvador Magluta. (Frank, Adam) (Entered: 09/07/2016)
09/07/2016	<u>68</u>	RESPONSE to <u>42</u> MOTION to Dismiss filed by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Exhibit 1, part 1, # <u>2</u> Exhibit 1, part 2, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3)(Frank, Adam) (Entered: 09/07/2016)
09/07/2016	<u>69</u>	MOTION for Leave to <i>Amend Plaintiff's 30</i> Amended Complaint, by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Frank, Adam) (Entered: 09/07/2016)
09/07/2016	70	MEMORANDUM regarding <u>67</u> MOTION to Strike <u>42</u> MOTION to Dismiss <i>for Violating Judge Moore's Practice Standards</i> filed by Salvador Magluta, <u>69</u> MOTION for Leave to <i>Amend Plaintiff's 30</i> Amended Complaint, filed by Salvador Magluta. Motions referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 9/7/2016. (Text Only Entry) (rmsec) (Entered: 09/07/2016)
09/14/2016	<u>71</u>	MOTION for Discovery <i>Pursuant to Rule 56(d)</i> by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Affidavit of Faisal Salahuddin)(Frank, Adam) (Entered: 09/14/2016)
09/15/2016	72	MEMORANDUM regarding <u>71</u> MOTION for Discovery <i>Pursuant to Rule 56(d)</i> filed by Salvador Magluta. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 9/15/2016. (Text Only Entry) (rmsec) (Entered: 09/15/2016)
10/03/2016	<u>73</u>	RESPONSE to <u>69</u> MOTION for Leave to <i>Amend Plaintiff's 30</i> Amended Complaint, filed by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, M. Amelia Weise. (Pestal, Mark) (Entered: 10/03/2016)
10/03/2016	<u>74</u>	RESPONSE to <u>67</u> MOTION to Strike <u>42</u> MOTION to Dismiss <i>for Violating Judge Moore's Practice Standards</i> filed by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, M. Amelia Weise. (Pestal, Mark) (Entered: 10/03/2016)
10/03/2016	<u>75</u>	First MOTION for Extension of Time to File Response/Reply as to <u>42</u> MOTION to Dismiss by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, M. Amelia Weise. (Pestal, Mark) (Entered: 10/03/2016)
10/03/2016	76	MEMORANDUM regarding <u>75</u> First MOTION for Extension of Time to File Response/Reply as to <u>42</u> MOTION to Dismiss filed by Charles Daniels, David Allred, Theresa Nehls, Federal Bureau of Prisons, N. Kimble, M. Amelia Weise, Lisa McDermott, George Santini, Nixon Roberts. Motion referred to Magistrate Judge

		Kristen L. Mix. Entered by Judge Raymond P. Moore on 10/3/2016. Text Only Entry (cpear) (Entered: 10/03/2016)
10/07/2016	<u>77</u>	MINUTE ORDER by Magistrate Judge Kristen L. Mix on 10/7/16. Motion for Extension of Time for Leave to File Reply to Plaintiff's Response to Defendants' Motion to Dismiss Plaintiff's Third Amended Complaint (Doc. 68) <u>75</u> is GRANTED.(lgale,) (Entered: 10/11/2016)
10/11/2016	<u>78</u>	RESPONSE to <u>71</u> MOTION for Discovery <i>Pursuant to Rule 56(d)</i> filed by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, M. Amelia Weise. (Pestal, Mark) (Entered: 10/11/2016)
10/12/2016	<u>79</u>	REPLY to Response to <u>67</u> MOTION to Strike <u>42</u> MOTION to Dismiss <i>for Violating Judge Moore's Practice Standards</i> filed by Plaintiff Salvador Magluta. (Frank, Adam) (Entered: 10/12/2016)
10/13/2016	<u>80</u>	REPLY to Response to <u>69</u> MOTION for Leave to <i>Amend Plaintiff's 30</i> Amended Complaint, filed by Plaintiff Salvador Magluta. (Frank, Adam) (Entered: 10/13/2016)
10/20/2016	<u>81</u>	MOTION for Preliminary Injunction , MOTION for Temporary Restraining Order by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Appendix Certificate of Counsel, # <u>2</u> Proposed Order (PDF Only) Proposed Order)(Frank, Adam) (Entered: 10/20/2016)
10/27/2016	<u>82</u>	REPLY to Response to <u>71</u> MOTION for Discovery <i>Pursuant to Rule 56(d)</i> filed by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Affidavit of Faisal Salahuddin)(Frank, Adam) (Entered: 10/27/2016)
11/14/2016	<u>83</u>	RESPONSE to <u>81</u> MOTION for Preliminary Injunction MOTION for Temporary Restraining Order filed by Defendants David Allred, Charles Daniels, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, M. Amelia Weise. (Pestal, Mark) (Entered: 11/14/2016)
11/30/2016	<u>84</u>	REPLY to Response to <u>81</u> MOTION for Preliminary Injunction MOTION for Temporary Restraining Order <i>and Request for Immediate Hearing</i> filed by Plaintiff Salvador Magluta. (Frank, Adam) (Entered: 11/30/2016)
12/07/2016	<u>85</u>	RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE by Magistrate Judge Kristen L. Mix on 12/7/2016. The Court respectfully RECOMMENDS that Plaintiffs Motion <u>69</u> be GRANTED and that the Fourth Amended Complaint [69-2] be accepted for filing. (jgonz,) (Entered: 12/08/2016)
01/17/2017		Motion(s) No Longer Referred at request of chambers: <u>67</u> MOTION to Strike <u>42</u> MOTION to Dismiss <i>for Violating Judge Moore's Practice Standards</i> , <u>54</u> Second MOTION for Partial Summary Judgment (<i>Amended</i>), <u>42</u> MOTION to Dismiss , <u>71</u> MOTION for Discovery <i>Pursuant to Rule 56(d)</i> on 01/17/2017. (cthom,) (Entered: 01/17/2017)
01/17/2017	<u>86</u>	ORDER Accepting <u>85</u> RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE; Plaintiff's <u>69</u> Motion for Leave to Amend His Third Amended Complaint is granted, Plaintiff's Fourth Amended Complaint (ECF No. 69-2) is ACCEPTED as filed and the Clerk of the Court shall docket the Fourth Amended Complaint as a separate docket entry. The following are DENIED as MOOT: <u>42</u> Motion to Dismiss Plaintiff's Third Amended Complaint, <u>54</u> Second Amended Partial Motion for Summary Judgment Relating to Unexhausted Claims 3, 4, and 6, <u>67</u> Motion to Strike Defendants; Motion to Dismiss for Violating Judge Moore's Practice Standards, <u>71</u> MOTION for Discovery Pursuant to Rule 56(d), and, <u>81</u> Motion for a Temporary Restraining Order and Preliminary Injunction Pursuant to F.R.C.P. 65. ORDERED by Judge Raymond P. Moore on 01/17/2017. (cthom,) (Entered: 01/17/2017)
01/17/2017	<u>87</u>	FOURTH AMENDED COMPLAINT (filed pursuant to <u>86</u> Order) against David Allred, Charles Daniels, John Doe 1-15, Lisa McDermott, Theresa Nehls, Nixon Roberts, George Santini, filed by Salvador Magluta.(cthom,) (Entered: 01/17/2017)
01/30/2017	<u>88</u>	Unopposed MOTION for Extension of Time to <i>Respond to Plaintiff's Fourth Amended Complaint (ECF. No. 87)</i> by Defendants David Allred, David (I) Allred, Charles Daniels, Charles (I) Daniels, John Doe 1-15, Lisa McDermott, Lisa (I) McDermott,

		Teresa Nehls, Teresa (I) Nehls, Nixon Roberts, Nixon (I) Roberts, George Santini, George (I) Santini. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Pestal, Mark) (Entered: 01/30/2017)
01/30/2017	<u>89</u>	ORDER: The matter is before the Court on Defendants' Unopposed Motion for Extension of Time to Respond to Plaintiff's Fourth Amended Complaint <u>88</u> filed January 30, 2017. Finding good cause, the motion is GRANTED , and Defendants shall have up to and including February 10, 2017, in which to file an Answer or otherwise respond to Plaintiff's Fourth Amended Complaint <u>87</u> entered January 17, 2017. SO ORDERED by Judge Raymond P. Moore on 1/30/2017. (Text Only Entry) (rmsec) (Entered: 01/30/2017)
02/01/2017	<u>90</u>	NOTICE of Change of Address/Contact Information by Mark S. Pestal (Pestal, Mark) (Entered: 02/01/2017)
02/10/2017	<u>91</u>	MOTION to Dismiss <i>Fourth Amended Complaint (Doc. 87)</i> by Defendants David Allred, David (I) Allred, Charles Daniels, Charles (I) Daniels, John Doe 1-15, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Lisa (I) McDermott, Teresa Nehls, Teresa (I) Nehls, Nixon Roberts, Nixon (I) Roberts, George Santini, George (I) Santini, M. Amelia Weise. (Pestal, Mark) (Entered: 02/10/2017)
02/10/2017	<u>92</u>	MEMORANDUM regarding <u>91</u> MOTION to Dismiss <i>Fourth Amended Complaint (Doc. 87)</i> filed by Nixon (I) Roberts, Charles Daniels, David Allred, Federal Bureau of Prisons, N. Kimble, John Doe 1-15, George Santini, Teresa (I) Nehls, George (I) Santini, Lisa (I) McDermott, Teresa Nehls, Charles (I) Daniels, M. Amelia Weise, Lisa McDermott, Nixon Roberts, David (I) Allred. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 2/10/2017. Text Only Entry (cpear) (Entered: 02/13/2017)
03/06/2017	<u>93</u>	RESPONSE to <u>91</u> MOTION to Dismiss <i>Fourth Amended Complaint (Doc. 87)</i> filed by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Exhibit 1, part 1, # <u>2</u> Exhibit 1, part 2, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3)(Frank, Adam) (Entered: 03/06/2017)
03/06/2017	<u>94</u>	Unopposed MOTION to Amend/Correct/Modify <u>93</u> Response to Motion by <i>Accepting Response as Timely Filed</i> by Plaintiff Salvador Magluta. (Frank, Adam) (Entered: 03/06/2017)
03/06/2017	<u>95</u>	MEMORANDUM regarding <u>94</u> Unopposed MOTION to Amend/Correct/Modify <u>93</u> Response to Motion by <i>Accepting Response as Timely Filed</i> filed by Salvador Magluta. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 3/6/2017. (Text Only Entry) (rmsec) (Entered: 03/06/2017)
03/20/2017	<u>96</u>	RESPONSE to <u>94</u> Unopposed MOTION to Amend/Correct/Modify <u>93</u> Response to Motion by <i>Accepting Response as Timely Filed</i> filed by Defendants David Allred, David (I) Allred, Charles Daniels, Charles (I) Daniels, John Doe 1-15, Lisa McDermott, Lisa (I) McDermott, Teresa Nehls, Teresa (I) Nehls, Nixon Roberts, Nixon (I) Roberts, George Santini, George (I) Santini. (Pestal, Mark) (Entered: 03/20/2017)
03/23/2017	<u>97</u>	MINUTE ORDER granting <u>94</u> Unopposed Motion to Accept Plaintiffs Response. Defendants shall file a Reply to Plaintiffs Response <u>93</u> to the Motion to Dismiss on or before April 6, 2017, by Magistrate Judge Kristen L. Mix on 15-2203. (jgonz,) (Entered: 03/23/2017)
04/03/2017	<u>98</u>	MOTION to Accept <u>81</u> Previous Request for T.R.O. by Plaintiff Salvador Magluta. (cthom,) (Entered: 04/03/2017)
04/04/2017	<u>99</u>	Unopposed MOTION to Withdraw as Attorney by <i>Adam Frank and Faisal Salahuddin</i> by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Proposed Order (PDF Only) Proposed Order)(Frank, Adam) (Entered: 04/04/2017)
04/04/2017	<u>100</u>	MEMORANDUM regarding <u>99</u> Unopposed MOTION to Withdraw as Attorney by <i>Adam Frank and Faisal Salahuddin</i> filed by Salvador Magluta. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 4/4/2017. (Text Only Entry) (rmsec) (Entered: 04/04/2017)
04/06/2017	<u>101</u>	REPLY to Response to <u>91</u> MOTION to Dismiss <i>Fourth Amended Complaint (Doc. 87)</i> filed by Defendants David Allred, David (I) Allred, Charles Daniels, Charles (I)

		Daniels, Lisa McDermott, Lisa (I) McDermott, Teresa Nehls, Teresa (I) Nehls, Nixon Roberts, Nixon (I) Roberts, George Santini, George (I) Santini. (Pestal, Mark) (Entered: 04/06/2017)
04/10/2017	102	ORDER granting <u>99</u> Motion to Withdraw as Attorney. Attorneys Adam Frank and Faisal Salahuddin are relieved of any further representation of Plaintiff Salvador Magluta. The Clerk of Court is instructed to terminate Attorneys Frank and Salahuddin as counsel of record, and to remove these names from the electronic certificate of mailing. Plaintiff shall continue to be represented by Attorney Paul Petruzzi. by Magistrate Judge Kristen L. Mix on 4/10/2017. Text Only Entry (klmlc1,) (Entered: 04/10/2017)
04/27/2017	103	MINUTE ORDER: This matter is before the Court on Plaintiff's Motion to "Accept The Previous T.R.O. Document 81 As A Request For Reinstating It Or As A Newly Filed T.R.O." (the "Motion") <u>98</u> . Plaintiff filed the Motion <i>pro se</i> ; however, Plaintiff was represented by Attorney Paul Petruzzi at the time of filing the Motion <u>4</u> , <u>99</u> & para 4. For this reason, the Court declines to accept Plaintiffs <i>pro se</i> filing, and denies the Motion without prejudice <u>98</u> . SO ORDERED by Judge Raymond P. Moore on 4/27/2017. (Text Only Entry) (rmsec) (Entered: 04/27/2017)
05/25/2017	<u>104</u>	MOTION for Partial Summary Judgment <i>RELATING TO PLAINTIFFS UNEXHAUSTED CLAIMS</i> by Defendants David Allred, David (I) Allred, Charles Daniels, Charles (I) Daniels, John Doe 1–15, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Lisa (I) McDermott, Teresa Nehls, Teresa (I) Nehls, Nixon Roberts, Nixon (I) Roberts, George Santini, George (I) Santini, M. Amelia Weise. (Attachments: # <u>1</u> Exhibit A Statement of Undisputed Facts, # <u>2</u> Exhibit B Declaration of Krista Klett)(Pestal, Mark) (Entered: 05/25/2017)
06/14/2017	<u>105</u>	Unopposed MOTION for Extension of Time to <i>File Response</i> by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Petruzzi, Paul) (Entered: 06/14/2017)
06/14/2017	106	ORDER: This matter is before the Court on Plaintiff's "Unopposed Motion for Twenty–Day Enlargement of Time to File Response" (the "Motion") <u>105</u> . The Motion requests additional time for Plaintiff, a federal inmate, who initiated the matter <i>pro se</i> and is now represented by counsel, to file a response to Defendants' Motion for Partial Summary Judgment, which is currently due June 15, 2017. As a basis for relief, the Motion asserts that counsel for Plaintiff "has been reviewing the documents provided to him by [Plaintiff's] former co–counsel," however, has "had no communication with Mr. Magluta as several telephone conferences that were scheduled with [counsel] were canceled by the facility or by Mr. Magluta. Mr. Magluta, however, continues to send undersigned correspondence concerning this matter." <u>105</u> Counsel requests additional time to finalize the response and also to communicate with Plaintiff concerning how he wants to proceed in this matter. <u>105</u> Counsel asserts his request is unopposed by Defendants' counsel, is made in good faith, and is not a means of delay. [105.] The Court GRANTS the unopposed Motion <u>105</u> , and extends the deadline for Plaintiff to file a response to Defendants' Motion for Partial Summary Judgment to July 5, 2017. It is further ORDERED that counsel shall serve the client in compliance with D.C.COLO.LCivR. 6.1(c). Further requests for extensions or continuances may not be considered absent a showing of compliance with this Local Rule. SO ORDERED by Judge Raymond P. Moore on 6/14/2017. (Text Only Entry) (rmsec) (Entered: 06/14/2017)
07/05/2017	<u>107</u>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond by Plaintiff Salvador Magluta. (Petruzzi, Paul) Modified to correct event on 7/5/2017 (cthom,). (Entered: 07/05/2017)
07/05/2017	108	ORDER: This matter is before the Court on Plaintiff's "Second Unopposed Motion for Enlargement of Time to File Response" (the "Motion") <u>107</u> . The Motion is a second request for additional time for Plaintiff, a federal inmate, who initiated the matter <i>pro se</i> and is now represented by counsel, to file a response to Defendants' Motion for Partial Summary Judgment. At present, Plaintiff's response is due today, July 5, 2017, as extended by this Court's Order 106 granting Plaintiff's first Unopposed Motion for Enlargement of Time to File Response <u>105</u> . The Court GRANTS the Motion and extends the deadline for Plaintiff to file a response to Defendants' Motion for Partial Summary Judgment to July 25, 2017. SO ORDERED by Judge Raymond P. Moore on

		7/5/2017. (Text Only Entry) (rmsec) (Entered: 07/05/2017)
07/21/2017	<u>109</u>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re <u>104</u> MOTION for Partial Summary Judgment <i>RELATING TO PLAINTIFFS UNEXHAUSTED CLAIMS</i> by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Petruzzi, Paul) (Entered: 07/21/2017)
07/21/2017	110	ORDER: This matter is before the Court on Plaintiff's Third Unopposed Motion for Enlargement of Time to File Response (the "Motion") <u>109</u> . The Motion seeks a third extension of time in which to file a response to Defendants' Motion for Partial Summary Judgment. Counsel's basis for this request is nearly identical to the last two requests – namely that "once again" because of a "lack of communication with Plaintiff," who is currently incarcerated, counsel must request an extension. Although the relief requested is unopposed, Plaintiff and counsel are cautioned their ongoing "lack of communication," without more, will not provide an adequate basis for continued relief. In this instance, the Motion is GRANTED <u>109</u> and Plaintiff may have up to August 14, 2017 in which to respond to Defendants' Motion for Partial Summary Judgment. SO ORDERED by Judge Raymond P. Moore on 7/21/2017. (Text Only Entry) (rmsec) (Entered: 07/21/2017)
07/24/2017	<u>111</u>	DECLARATION of Salvador Magluta by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(cthom,) (Entered: 07/24/2017)
08/07/2017	<u>112</u>	RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE re <u>91</u> Motion to Dismiss Fourth Amended Complaint (Doc. 87) filed by Nixon (I) Roberts, Charles Daniels, David Allred, Federal Bureau of Prisons, N. Kimble, John Doe 1–15, George Santini, Teresa (I) Nehls, George (I) Santini, Lisa (I) McDermott, Teresa Nehls, Charles (I) Daniels, M. Amelia Weise, Lisa McDermott, Nixon Roberts, David (I) Allred. The Motion <u>91</u> is DENIED without prejudice in part, and the Court respectfully RECOMMENDS that the Motion <u>91</u> be GRANTED in part, by Magistrate Judge Kristen L. Mix on 8/7/2017. (jgonz,) (Entered: 08/07/2017)
08/14/2017	<u>113</u>	RESPONSE to <u>104</u> MOTION for Partial Summary Judgment <i>RELATING TO PLAINTIFFS UNEXHAUSTED CLAIMS</i> filed by Plaintiff Salvador Magluta. (Petruzzi, Paul) (Entered: 08/14/2017)
08/17/2017	<u>114</u>	Unopposed MOTION to Withdraw as Attorney by Plaintiff Salvador Magluta. (Petruzzi, Paul) (Entered: 08/17/2017)
08/17/2017	115	MEMORANDUM regarding <u>114</u> Unopposed MOTION to Withdraw as Attorney filed by Salvador Magluta. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 8/17/2017. (Text Only Entry) (rmsec) (Entered: 08/17/2017)
08/25/2017	<u>116</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>104</u> MOTION for Partial Summary Judgment <i>RELATING TO PLAINTIFFS UNEXHAUSTED CLAIMS</i> by Defendants David Allred, David (I) Allred, Charles Daniels, Charles (I) Daniels, John Doe 1–15, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Lisa (I) McDermott, Teresa Nehls, Teresa (I) Nehls, Nixon Roberts, Nixon (I) Roberts, George Santini, George (I) Santini, M. Amelia Weise. (Pestal, Mark) (Entered: 08/25/2017)
08/25/2017	117	ORDER GRANTING "Defendants' Unopposed Motion For Extension of Time to File a Reply to Plaintiff's Response to Defendants' Motion for Partial Summary Judgment (Doc. 113)" <u>116</u> . Defendants shall have up to and including September 8, 2017 in which to file their Reply to Plaintiff's Response to Defendants' Motion for Partial Summary Judgment. SO ORDERED by Judge Raymond P. Moore on 8/25/2017. (Text Only Entry) (rmsec) (Entered: 08/25/2017)
09/01/2017	<u>118</u>	ORDER The Recommendation ECF No. <u>112</u> is ACCEPTED as an Order of this Court, and accordingly, the Motion ECF No. <u>91</u> is GRANTED in part and DENIED in part, by Judge Raymond P. Moore on 9/1/2017. (evana,) (Entered: 09/01/2017)
09/07/2017	<u>119</u>	MINUTE ORDER by Magistrate Judge Kristen L. Mix on 9/7/17. Unopposed Motion to Withdraw as Counsel <u>114</u> is GRANTED. Attorney Paul Domenic Petruzzi terminated. IT IS FURTHER ORDERED that Plaintiff shall confirm his mailing

		address, e-mail address, and telephone number by filing a Notice of Contact Information withi fourteen (14) days of the date of this Minute Order. (lgale,) (Entered: 09/07/2017)
09/08/2017	<u>120</u>	REPLY to Response to <u>104</u> MOTION for Partial Summary Judgment <i>RELATING TO PLAINTIFFS UNEXHAUSTED CLAIMS</i> filed by Defendants David Allred, David (I) Allred, Charles Daniels, Charles (I) Daniels, John Doe 1-15, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Lisa (I) McDermott, Teresa Nehls, Teresa (I) Nehls, Nixon Roberts, Nixon (I) Roberts, George Santini, George (I) Santini, M. Amelia Weise. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit B Attachment 1, # <u>4</u> Exhibit B Attachment 2, # <u>5</u> Exhibit B Attachment 3, # <u>6</u> Exhibit B Attachment 4, # <u>7</u> Exhibit B Attachment 5, # <u>8</u> Exhibit B Attachment 6)(Pestal, Mark) (Entered: 09/08/2017)
09/14/2017	<u>121</u>	MOTION for Extension of Time to File Answer or Otherwise Respond re <u>87</u> Amended Complaint by Defendants David Allred, David (I) Allred, Charles Daniels, Charles (I) Daniels, John Doe 1-15, Federal Bureau of Prisons, N. Kimble, Lisa McDermott, Lisa (I) McDermott, Teresa Nehls, Teresa (I) Nehls, Nixon Roberts, Nixon (I) Roberts, George Santini, George (I) Santini, M. Amelia Weise. (Pestal, Mark) (Entered: 09/14/2017)
09/15/2017	122	ORDER: Before the Court is Defendants' Motion for Extension of Time to Answer or Respond to Plaintiff's Fourth Amended Complaint and Jury Demand <u>121</u> . The Motion is GRANTED and Defendants are granted 21 days (as opposed to 14) within which to file their answer or otherwise respond. SO ORDERED by Judge Raymond P. Moore on 9/15/2017. (Text Only Entry) (rmsec) (Entered: 09/15/2017)
09/15/2017	<u>123</u>	RESPONSE to <u>119</u> Order by Plaintiff Salvador Magluta. (cthom,) (Entered: 09/15/2017)
09/18/2017	<u>124</u>	Letter from Magistrate Judge Kristen L. Mix re <u>123</u> Response, <u>119</u> Order on Motion to Withdraw as Attorney. (jgonz,) (Entered: 09/18/2017)
02/09/2018	<u>125</u>	ORDER granting <u>104</u> Motion for Partial Summary Judgment Relating to Plaintiff's Unexhausted Claims. As a result, Counts II, III (save for the time period from March 27, 2013 to October 31, 2013), IV, V, VI, VII, and VIII are dismissed without prejudice. Counts I and III (for the period of March 27, 2013 to October 31, 2013) remain. ORDERED by Judge Raymond P. Moore on 2/9/2018. (cthom,) (Entered: 02/09/2018)
02/09/2018	<u>126</u>	MINUTE ORDER re: <u>125</u> Order on Motion for Partial Summary Judgment. A preliminary Scheduling Conference is set for 3/29/2018 09:30 AM in Courtroom A 401 before Magistrate Judge Kristen L. Mix. IT IS FURTHER ORDERED that the Clerks Office shall mail a courtesy copy of this Minute Order to the case manager for Plaintiff at his facility. IT IS FURTHER ORDERED that the stay of discovery imposed by the Court on 6/30/2016, is LIFTED, by Magistrate Judge Kristen L. Mix on 2/9/2018. (Attachments: # <u>1</u> Continuation of Main Document, # <u>2</u> Continuation of Main Document, # <u>3</u> Continuation of Main Document, # <u>4</u> Continuation of Main Document) (jgonz,) (Entered: 02/09/2018)
02/09/2018	127	CERTIFICATE of Service by Mail by Clerk of Court re <u>126</u> Minute Order, to CASE MANAGER FOR: Salvador Magluta, # 26012-037, FLORENCE ADMAX, U.S. PENITENTIARY, Inmate Mail/Parcels, PO BOX 8500, FLORENCE, CO 81226. Text Only Entry (jgonz,) (Entered: 02/09/2018)
02/28/2018	128	MINUTE ORDER. PLEASE NOTE DATE AND TIME CHANGE ONLY. This matter is before the Court sua sponte. Due to a conflict on the Court calendar, IT IS HEREBY ORDERED that the Scheduling Conference set for March 29, 2018, at 9:30 a.m. is VACATED and RESET to April 4, 2018, at 9:30 a.m. in Courtroom A-401, Fourth Floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. IT IS FURTHER ORDERED that the proposed scheduling order shall be submitted on or before March 28, 2018. by Magistrate Judge Kristen L. Mix on 2/28/2018. Text Only Entry (klmlc1,) (Entered: 02/28/2018)
03/02/2018	<u>129</u>	Renewed MOTION to Dismiss <i>REMAINING CLAIMS IN PLAINTIFFS FOURTH AMENDED COMPLAINT (Doc. 87)</i> by Defendants David Allred, David (I) Allred, Charles Daniels, Charles (I) Daniels, Lisa McDermott, Lisa (I) McDermott, Teresa

		Nehls, Teresa (I) Nehls, Nixon Roberts, Nixon (I) Roberts, George Santini, George (I) Santini. (Pestal, Mark) (Entered: 03/02/2018)
03/05/2018	<u>130</u>	Renewed MOTION to Stay <i>Discovery</i> by Defendants David Allred, David (I) Allred, Charles Daniels, Charles (I) Daniels, Lisa (I) McDermott, Teresa Nehls, Teresa (I) Nehls, Nixon Roberts, Nixon (I) Roberts, George Santini, George (I) Santini. (Pestal, Mark) (Entered: 03/05/2018)
03/05/2018	131	MEMORANDUM regarding <u>130</u> Renewed MOTION to Stay <i>Discovery</i> filed by Nixon (I) Roberts, Teresa (I) Nehls, Charles Daniels, David Allred, George (I) Santini, Teresa Nehls, Lisa (I) McDermott, Charles (I) Daniels, George Santini, David (I) Allred, Nixon Roberts. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 3/5/2018. (Text Only Entry) (rmsec) (Entered: 03/05/2018)
03/05/2018	132	MEMORANDUM regarding <u>129</u> Renewed MOTION to Dismiss <i>REMAINING CLAIMS IN PLAINTIFFS FOURTH AMENDED COMPLAINT (Doc. 87)</i> filed by Nixon (I) Roberts, Teresa (I) Nehls, Charles Daniels, David Allred, George (I) Santini, Teresa Nehls, Lisa (I) McDermott, Charles (I) Daniels, Lisa McDermott, George Santini, David (I) Allred, Nixon Roberts. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 3/5/2018. (Text Only Entry) (rmsec) (Entered: 03/05/2018)
04/02/2018	<u>133</u>	ORDER by Magistrate Judge Kristen L. Mix on 4/2/18. Renewed Motion to Stay Discovery <u>130</u> is GRANTED. All discovery is stayed pending resolution of Defendants' Motion to Dismiss <u>129</u> . IT IS FURTHER ORDERED that the Scheduling Conference set for April 4, 2018, at 9:30 a.m. is VACATED. (lgale,) (Entered: 04/02/2018)
04/09/2018	<u>134</u>	MOTION with Multiple Requests by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(cthom,) (Additional attachment(s) added on 4/9/2018: # <u>6</u> Envelope) (cthom,). (Entered: 04/09/2018)
04/12/2018	135	MEMORANDUM regarding <u>134</u> MOTION for Order to filed by Salvador Magluta. Motion referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 4/12/2018. (Text Only Entry) (rmsec) (Entered: 04/12/2018)
04/16/2018	<u>136</u>	MOTION for "Status of Courts Preliminary Scheduling Conference" by Plaintiff Salvador Magluta. (cthom,) (Entered: 04/16/2018)
04/16/2018	<u>137</u>	MOTION "In Regards to this Courts Order Document 133 Requesting the Court to Please Allow the 'P' an Opportunity to Respond to 'D's Doc 129 and 130 and or a Status Conference to Address the Numerous Issues that Impede 'P' to Comply with And Or Communicate with this Court" by Plaintiff Salvador Magluta. (Attachments: # <u>1</u> Exhibit)(cthom,) (Entered: 04/16/2018)
04/16/2018	138	MEMORANDUM regarding <u>137</u> MOTION for Order to filed by Salvador Magluta, <u>136</u> MOTION for Order to filed by Salvador Magluta. Motions referred to Magistrate Judge Kristen L. Mix. Entered by Judge Raymond P. Moore on 4/16/2018. (Text Only Entry) (rmsec) (Entered: 04/16/2018)