

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

Civil Action No. 17-cv-00884-STV

CHAYCE AARON ANDERSON,

Plaintiff,

v.

JASON SHUTTERS,

Defendant.

MINUTE ORDER

Entered By Magistrate Judge Scott T. Varholak

This matter is before the Court on [67] Plaintiff's Notice. Through the Notice, Plaintiff notifies the Court that, on January 9, 2018, Plaintiff was transferred from the Arkansas Valley Correctional Facility to the Larimer County Jail, and that Plaintiff will return to the Arkansas Valley Correctional Facility the week of January 22, 2018. [67] Plaintiff further states that he has not received any response from the Court regarding his Motion for Leave to File a Second Amended Prisoner Complaint [50] (the "Motion for Leave"). [Id.]

On December 13, 2017, this Court issued an Order granting Plaintiff's Motion for Leave and directed the Clerk of Court to enter the proposed Second Amended Prisoner Complaint that Plaintiff attached to the Motion for Leave. [60] The Second Amended Prisoner Complaint was then entered into the docket. [61] In addition to granting the Motion for Leave, this Court *sua sponte* recommended that certain of the claims asserted in the Second Amended Complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2). [60] On January 3, 2018, Judge Arguello issued an Order adopting this Court's Recommendation and dismissing with prejudice Claims Three, Four, and Six in the Second Amended Prisoner Complaint and also dismissing with prejudice Claim Five as asserted against Defendant Boxberger. [66]

On December 28, 2017, Defendant Shutters moved to dismiss the Second Amended Prisoner Complaint (the "Motion to Dismiss"). [63] Pursuant to D.C.COLO.LCivR 7.1(d) and Federal Rule of Civil Procedure 6(d), Plaintiff's response to the Motion to Dismiss is due on January 22, 2018. As of the filing of this Minute Order, no response to the Motion to Dismiss has been received by the Court.

Given Plaintiff's multiple transfers between facilities and representation that he has not received any response from the Court to the Motion for Leave, **IT IS ORDERED:**

- (1) The Clerk of Court is directed to send a copy of this Minute Order, along with copies of the docket sheet and Docket Nos. 60, 61, 63 (with accompanying exhibits) and 66, to Plaintiff at both the Arkansas Valley Correctional Facility and the Larimer County Jail; and
- (2) The deadline for Plaintiff to respond to Defendant Shutter's Motion to Dismiss [#63] is extended until **February 15, 2018**.

DATED: January 22, 2018

BY THE COURT:

s/Scott T. Varholak
United States Magistrate Judge