

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 17-cv-00884-CMA

CHAYCE AARON ANDERSON,

Plaintiff,

v.

JASON SHUTTERS (In their (sic) Individual Capacity only),

Defendants.

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**DEFENDANT JASON SHUTTERS' RESPONSE IN OPPOSITION TO PLAINTIFF'S  
MOTION TO CONTEST TIME OF SERVICE OF RECOMMENDATION (ECF No. 78)**

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Defendant Jason Shutters, through his Attorneys Hall & Evans, LLC, submits the following as his Response In Opposition to Plaintiff's Motion to Contest Time of Service of Recommendation (ECF No. 78), as follows:

**I. ARGUMENT**

On March 8, 2018, Plaintiff filed a pleading entitled, "Motion to Contest Time of Service of Recommendation and Order, Contest Denial of Extension, & Contest Time of U.S.D.C.'s Filing of Mr. Anderson's Formal Opposition" (ECF No. 78) ("Motion").

The Motion fails to identify the specific pleading(s) which Plaintiff contends were not timely served, or any applicable case law or evidence to support his position. In addition, to any extent Plaintiff is attacking the Court's most recent order dismissing certain claims against Defendant Shutters, this Defendant argues that the Court's Recommendation and subsequent order of dismissal are consistent with the Court's

previous determination respecting the validity of certain claims, set forth in ECF No. 17. Plaintiff offers no new arguments with respect to the dismissal of those claims and should not be allowed to make such arguments at this juncture.

**II. CONCLUSION**

WHEREFORE, Defendant Shutters respectfully requests the Court deny Plaintiff's Motion.

Dated this 21<sup>st</sup> day of March 2018.

s/ Mark S. Ratner  
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ATTORNEYS FOR DEFENDANT  
JASON SHUTTERS

**CERTIFICATE OF SERVICE (CM/ECF)**

I hereby certify that on this 21<sup>st</sup> day of March 2018, I electronically filed the foregoing **DEFENDANT JASON SHUTTERS' RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO CONTEST TIME OF SERVICE OF RECOMMENDATION (ECF No. 78)** with the Clerk of Court using the CM/ECF system and vial Regular Email to the following:

**Plaintiff:**

Chayce Aaron Anderson, #175290  
Arkansas Valley Correctional Facility  
12750 Hwy. 76 at Lane 13  
Ordway, CO. 81034

Chayce Aaron Anderson, #175290  
Larimer County Jail  
2405 Midpoint Drive  
Fort Collins, CO 80525

*s/ Rochelle Gurule*  
Legal Assistant to Mark S. Ratner, Esq.  
Of Hall & Evans, LLC