

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
MAGISTRATE JUDGE SCOTT T. VARHOLAK

Civil Action:18-cv-03112-RBJ-STV
Date: May 3, 2019

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Monique Ortiz

Parties:

SEAN SLATTON

Pro Se

Plaintiff,

v.

TODD HOPKINS
BRANDON BARNES
JOHN HUTTO
FORT COLLINS POLICE DEPARTMENT

Defendant.

COURTROOM MINUTES/MINUTE ORDER

STATUS CONFERENCE

Court in Session: 10:01 a.m.

Court calls case. Appearance of counsel.

This matter is before the Court regarding status of the case. The Court notes Plaintiff has filed the Certificate of Mailing/Service [Doc. No. 18, filed 4/16/2019]. The court informs the Plaintiff of the following two issues regarding [Doc. No. 18]. The first issue is that the proof of service must be by affidavit and the second issue is that certified mail does not constitute valid service under the Federal Rules of Civil Procedure and so as a result, the Defendants still not have been served in this matter. Court advises Defendant that Rule 4 sets forth the valid rules of service.

For the reasons set forth on the record, it is

ORDERED: Under the Federal Rules of Civil Procedure, Plaintiff has 90 days to serve Defendant. Due to Plaintiff's efforts in attempting to serve the Defendants, the Court at this point is not going to recommend dismissal for failure to timely serve the Defendants. However, the

court warns Plaintiff that Judge Jackson may ultimately dismiss the case without prejudice for failure to timely serve the Defendants

A further Status Conference is set for **June 6, 2019 at 10:00 a.m.** before Magistrate Judge Varholak in courtroom A402.

The Court advises the Plaintiff of the Pro Se Clinic located in the Clerk's Office.

HEARING CONCLUDED.

Court in recess: 10:04 a.m.

Time In Court: 00:03

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