

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-00545-WYD-KLM

TONY E. POWELL,

Plaintiff,

v.

J. WILNER,

Defendant.

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**MINUTE ORDER**

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**ORDER ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on “**Petitioner’s Consolidated, Alternative Motion Seeking Directions from the Court to Remove Stay of Discovery, on [sic] the Alternative Respond to Page 2D, 1 of Defendant’s Motion**” [Docket No. 162; Filed April 24, 2009] (the “Motion”). Although the Motion title is less than clear, the Court interprets the Motion to request that case deadlines be set and discovery be allowed to proceed in the above-captioned case. The previous Magistrate Judge assigned to this matter stayed the case pending adjudication of the Motion to Dismiss. The Motion to Dismiss has now been resolved and a single retaliation claim against a single Defendant (J. Wilner) remains.

IT IS HEREBY **ORDERED** that the Motion is **GRANTED in part and DENIED in part**. To the extent that Plaintiff requests that his case be permitted to move forward, the Motion is **granted**. To the extent that Plaintiff requests that Defendant be ordered to respond to previously-propounded discovery, the Motion is **denied**.

IT IS FURTHER **ORDERED** that a preliminary Scheduling Conference is set for **May 19, 2009 at the hour of 10:30 a.m.**, in Courtroom C-204, Second Floor, Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado. The parties need not comply with the requirements of Fed. R. Civ. P. 16 and 26(a)(1) and D.C. COLO.LCivR. 16.1 and 16.2. The purpose of the initial conference is to consider the nature and status of the case, the timing for filing of any motions or responses, and what discovery, if any, will be needed. Plaintiff and his case manager shall contact the court at: **(303) 335-2770** on the above date and time in order to participate. **No discovery shall be permitted in advance of the preliminary Scheduling Conference.**

IT IS FURTHER **ORDERED** that the case caption shall be amended as set forth above.

Dated: April 27, 2009