

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 07-cv-01224-CMA-MJW

SHAWN D. ALLEN,

Plaintiff,

v.

SGT. SCHMUTZLER,

Defendant.

ORDER REGARDING TRIAL DATES

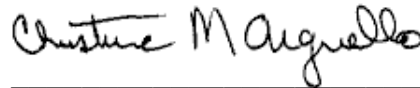
This matter is before the Court on Plaintiff's Motion to Proceed With Trial *Pro Se* (Doc. # 163) and Defendant's Motion to Vacate Trial [Dates] (Doc. # 164). The Court notes that there is an outstanding Magistrate Judge's Recommendation (Doc. # 161), filed October 23, 2009, regarding Defendant's Motion for Summary Judgement (Doc. # 118). Pursuant to Federal Rules of Civil Procedure, any objection to the Recommendation is due November 6, 2009 (F.R.Civ.P. 72(b)) and any response will be due 10 business days from the date of filing of such objection, F.R.Civ.P. 6(a)(2) and (4). In order to allow adequate time for the parties to respond and for the Court to consider the Magistrate Judge's Recommendation and conduct a proper *de novo* review, the Court FINDS as follows:

- 1) That Plaintiff's Motion to Proceed With Trial (Doc. # 163) is DENIED to the extent that the current trial dates will be vacated; and
- 2) That Defendant's Motion To Vacate Trial (Doc. # 164) is GRANTED.

IT IS FURTHER ORDERED that the Final Trial Preparation Conference set for November 13, 2009, at 2:30 p.m., and the two-day jury trial set to commence November 30, 2009 are VACATED. Upon completion of this Court's review of and ruling on the Magistrate Judge's Recommendation, the above-referenced trial dates will be reset, if necessary.

DATED: November 5, 2009

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge