

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 08-cv-00487-WJM-KMT

DERRICK L. ARANDA,

Plaintiff,

v.

LT. MCCORMAC and
LT. STRODE,

Defendants.

**ORDER VACATING TRIAL, SETTING DEADLINES FOR DISPOSITIONAL
DOCUMENTS, AND VACATING WRIT OF *HABEAS CORPUS AD TESTIFICANDUM***

This matter is set for a four-day jury trial to commence on November 7, 2011. At a hearing on October 31, 2011, counsel for the parties represented to the Court that they had agreed to all material terms of a binding settlement. Counsel are in the process of drafting the settlement documents and obtaining the necessary releases and signatures. The Court was informed that, because of the nature of the parties to this action, finalization of the settlement agreement will likely take longer than in a typical civil case and could not be accomplished in advance of the November 7, 2011 trial date.

Based on the on-record recitation of and agreement to the settlement terms, and in the interest of justice, the Court hereby VACATES the November 7, 2011 trial date and all associated deadlines. In addition, all pending motions are hereby DENIED as moot. The Court ORDERS that dispositional documents be filed no later than **January**

6, 2012. Any motion to substitute the Department of Corrections as the Defendant shall be filed on or before **January 5, 2012.**

On October 7, 2011, the Court granted Plaintiff's Motion for a Writ of *Habeas Corpus Ad Testificandum* and ordered the United States Marshal to produce Plaintiff Derrick Aranda in the District of Colorado sufficiently in advance of trial so as to allow him time to prepare with his attorneys. (ECF No. 228.) The Court having vacated the November 7, 2011 trial setting, Plaintiff's presence in the District of Colorado is no longer required at this time. Accordingly, the Court's October 7, 2011 Writ of *Habeas Corpus Ad Testificadum* is hereby VACATED.

Dated this 31st day of October, 2011.

BY THE COURT:



William J. Martínez
United States District Judge