

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-01829-RPM-MJW

LAURA LOBOZZO,

Plaintiff,

v.

THE COLORADO DEPARTMENT OF CORRECTIONS,
LA VISTA CORRECTIONAL FACILITY,
ARISTEDES W. ZAVARAS, Individually and in his capacity as Director of the Colorado
Department of Corrections,
SUSAN JONES, Individually and in her capacity as Warden of La Vista Correctional Facility,
GARY GOLDER, Individually and in his capacity as an administrator of the Colorado
Department of Corrections,
LARRY REID, Individually and in his capacity as Warden of La Vista Correctional Facility,
JAMES E. ABBOTT, Individually and in his capacity as an administrator of the Colorado
Department of Corrections,
ANTHONY MARTINEZ,
JOHN DOES I-X, and
JANE DOES I-X,

Defendants.

ORDER DENYING MOTION FOR ENFORCEMENT OF AUTOMATIC STAY DUE TO
BANKRUPTCY

On June 5, 2009, the plaintiff filed a pleading designated Motion for Enforcement of Automatic Stay Due to Bankruptcy [46]. The motion recites that defendant Anthony Martinez filed for bankruptcy on December 5, 2008, and that a discharge was entered on May 20, 2009. The motion also recites the provisions of 11 U.S.C. § 362, providing for a stay of actions against the debtor. The motion further recites that the effect is that all further proceedings in this action should have been stayed. That is incorrect. The stay does not apply to the other defendants in this civil action. The only proceedings with respect to defendant Martinez is the Clerk's Entry of Default on December 11, 2008. This Court, by order on January 22, 2009, deferred any action on the plaintiff's motion for default judgment. Accordingly, it is

ORDERED that the Motion for Enforcement of Automatic Stay Due to Bankruptcy is denied. This action will proceed as to all other defendants in accordance with the provisions of the Scheduling Order entered on March 19, 2009.

Dated: June 9th , 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge