

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 08-cv-02659-PAB-CBS

RUDY STANKO,

Petitioner,

v.

BLAKE DAVIS,

Respondent.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter comes before the Court on petitioner's "Motion for Contempt of Court" [Docket No. 30] and "Motion for Contempt in Violation of the Court's Order Dated 1/9/09" [Docket No. 34]. The Court has reviewed the pleadings and is fully advised in the premises.

Petitioner complains that the Bureau of Prisons transferred him to FCI El Reno in violation of the Court's Order to Show Cause [Docket No. 21], which stated that petitioner "shall remain in custody and within the jurisdiction of this court until further order." Respondent should have filed a motion seeking a modification of the Court's Order to Show Cause. However, respondent did file a "Notice" [Docket No. 29 filed February 13, 2009] informing the Court that it was transferring defendant. Moreover, given that the petitioner remains under the jurisdiction of this Court and given that the petitioner has failed to show any prejudice, a contempt sanction is not appropriate. With regard to petitioner's statement that he did not receive a copy of respondent's response due February 9, 2009, counsel for respondent has certified that he has mailed a copy to petitioner at his current address. Therefore, it is

ORDERED that petitioner's contempt motions [Docket Nos. 30 and 34] are DENIED.

DATED March 9, 2009.