

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

Civil Action No. 09-cv-00095-CMA-KMT

EUGENE WIDEMAN,

Plaintiff,

v.

STATE OF COLORADO,  
ROSLIN VIGNA, and  
DOUGLAS GLOVER,

Defendants.

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**MINUTE ORDER**

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ORDER ENTERED BY JUDGE CHRISTINE M. ARGUELLO

This matter is before the Court on Plaintiff's Motion to Stay (Doc. # 45). Plaintiff seeks a stay of the instant action in light of his pending appeal of the Court's Order granting Defendants' Motions for Summary Judgment and Denying Plaintiff's Motions for Preliminary Injunction (Doc. # 37), the corresponding Judgment (Doc. # 38), and the Court's Order denying Plaintiff's Rule 52(b) Motion to Amend/Correct/Modify and Plaintiff's Motion for a Hearing/Conference (Doc. # 41).

Plaintiff filed the instant Motion under Fed. R. App. P. 8(a)(2)(A)(i). However, this rule concerns the filing of motions to stay in appellate court, and states in pertinent part, "[t]he motion must: show that moving first in the district court [for relief under Fed. R. App. P. 8(a)(1)] would be impracticable." Simply put, the instant motion should have been filed under Rule 8(a)(1), since Plaintiff must first seek relief from the district court. However, because Plaintiff is *pro se*, the Court will liberally construe the instant motion as one filed under Rule 8(a)(1).

Because the Court's Orders and the Judgment do not impose a money judgment against Plaintiff, the Court finds a stay unnecessary. Accordingly,

IT IS ORDERED that Plaintiff's Motion to Stay (Doc. # 45) is DENIED.

DATED: March 26, 2010