

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Case No. 09-cv-00223-REB-MJW

RUSSELL M. BOLES,

Plaintiff,

v.

DEVIN NEWTH,  
CHRISTIANS,  
M. PECK,  
ABNEY,  
J. LONG,  
C.L. HUMPHREY, and  
KEVIN MILYARD,

Defendants.

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**ORDER GRANTING MOTION TO HOLD CASE IN TEMPORARY ABEYANCE**

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**Blackburn, J.**

The matter before me is plaintiff's **Motion To Hold Case in Temporary Abeyance** [#42] filed January 25, 2010. Plaintiff asks the court to stay resolution of this matter until he is released from prison on February 25, 2010. Although I ordered defendants to respond to the motion (**see Minute Order** [#43] entered January 25, 2010), they failed to do so within the time specified.<sup>1</sup> I, therefore, construe the motion as unopposed. Having reviewed the motion and being apprised of the relevant facts, I find and conclude that the motion should be granted.

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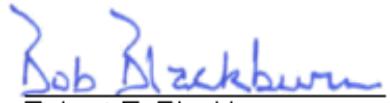
<sup>1</sup> Although I will not at this juncture require defendants to show cause why they apparently ignored a direct order of the court, they are strongly cautioned that future failures may well result in the imposition of condign sanctions.

**THEREFORE, IT IS ORDERED** as follows:

1. That plaintiff's **Motion To Hold Case in Temporary Abeyance** [#42] filed January 25, 2010, is **GRANTED**;
2. That the court will temporarily stay ruling on the **Recommendation on Defendants' Combined Motion To Dismiss and Memorandum Brief in Support of Motion To Dismiss (Docket No. 21)** [#39] filed November 13, 2009, until after February 25, 2010, and
3. That plaintiff **SHALL FILE** any objections to the magistrate judge's recommendation by **Friday, March 12, 2010**.

Dated February 18, 2010, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
Robert E. Blackburn  
United States District Judge