

**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.

ORDER GRANTING MOTION TO HOLD CASE IN TEMPORARY ABEYANCE

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.¹ 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.

¹ 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:

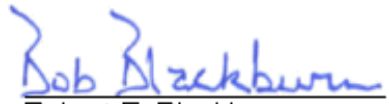
1. That plaintiff's **Motion To Hold Case in Temporary Abeyance** [#42] filed January 25, 2010, is **GRANTED**;

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
United States District Judge