

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge William J. Martínez**

Civil Action No. 09-cv-00915-WJM-KMT

MELISSA R. SCHWARTZ, as Personal Representative and Administrator of the Estate of CHANDLER GRAFNER, deceased;  
CHRISTINA GRAFNER; and  
JOSHUA NORRIS,

Plaintiffs,

v.

MARGARET BOOKER, and  
MARY PEAGLER,

Defendants.

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**ORDER ADMINISTRATIVELY CLOSING CASE**

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This matter is before the Court *sua sponte*. In this civil rights case, Plaintiffs Melissa Schwartz, as personal representative and administrator of the estate of Chandler Grafner, Christina Grafner, and Joshua Norris bring claims under 42 U.S.C. § 1983 against Margaret Booker and Mary Peagler arising out of the death of Chandler Grafner while in foster care.

On July 15, 2011, the Defendants filed a Motion to Dismiss, based in part on qualified immunity (ECF No. 88). This Motion was denied on December 6, 2011 (ECF No. 100). Defendants thereafter sought review of the denial of their Motion to Dismiss by timely filing an Interlocutory Appeal on December 29, 2011 (United States Court of Appeals for the Tenth Circuit Case Number 11-1583).

The Court finds that there appears to be no reason at this time to maintain this matter as an active open case. Accordingly, the Clerk is instructed to ADMINISTRATIVELY CLOSE this case, pending disposition by the Court of Appeals for the Tenth Circuit of the Interlocutory Appeal.

Nothing contained in this Order shall be considered a dismissal or final disposition of this case in this Court. Any party may move this Court to reopen this matter for good cause shown after issuance by the Tenth Circuit of its Mandate on the subject appeal.

Dated this 26<sup>th</sup> day of March, 2012.

BY THE COURT:



William J. Martinez  
United States District Judge