

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01501-PAB-KLM

CARLO CELANI,

Plaintiff,

v.

MARK EHRLE, Aurora Police Dept.,
ADAM NEUMEYER, Aurora Police Dept., and
JOHN DOES 1-5, Aurora Police Dept.,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion and Affidavit Asking the Court for Stay to Obtain Discovery Pursuant to Rule 56(f)** [Docket No. 45; Filed April 2, 2010] (the "Motion"). Plaintiff requests a "stay in this case" so that he might obtain additional discovery to oppose an unidentified motion for summary judgment. Plaintiff filed a substantially identical motion on April 1, 2010 [Docket No. 43] ("Motion No. 43"). The instant Motion differs only in that it is notarized.

As the Court noted in its Order [Docket No. 46] denying Plaintiff's previous Motion No. 43, Plaintiff's request is untimely. One motion for summary judgment, filed by Defendant Ehrle, is pending in this matter [Docket No. 26; Filed December 18, 2009]. Plaintiff already filed a response to that motion [Docket No. 37; Filed February 12, 2010], in which he made no argument that he had insufficient discovery to oppose Defendant Ehrle's motion. The Court noted in its previous Order that Plaintiff did not include with his Motion No. 43 an affidavit as required by Fed. R. Civ. P. 56(f). Although the instant Motion is notarized, Plaintiff still does not provide "specified reasons" why he cannot present facts that are "essential" to his opposition. See Fed. R. Civ. P. 56(f). Accordingly,

IT IS HEREBY ORDERED that the Motion is **DENIED**.

Dated: April 5, 2010