

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

Civil Case No. 10-cv-00670-REB-MEH

MARK BURRIS, and
LORI BURRIS,

Plaintiffs,

v.

US BANK NATIONAL ASSOCIATION, as Trustee for the BS ALTA 2006-3,
GMAC BANK, and
JOHN AND JANE DOE, unknown owners of securitized note,

Defendants.

ORDER DENYING MOTION TO REOPEN

Blackburn, J.

This matter is before me on the **Plaintiff's Motion to Re-Open: Order re: Administrative Closure Pursuant to FED. R. CIV. P. 60(b)(3) & (6)** [#89]¹ filed May 14, 2012. The defendants filed a response [#92]. I deny the motion.

On March 16, 2012, the parties reached a settlement of this case. *Minutes*, [#80]. A record of the settlement was made before the magistrate judge. *Id.* The terms of the settlement required the defendants to file an uncontested motion to close this case administratively. *Material Terms of Settlement Agreement* [#92-1], ¶ 11. The defendants filed such a motion [#83], and it was granted. The plaintiffs argue that this case should be re-opened because the uncontested motion to close this case administratively was granted before the plaintiffs had an opportunity to respond to the

¹ “[#89]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

motion. However, the motion to close the case administratively is mandated by the settlement. Given these circumstances, the fact that the motion to close this case administratively was granted before the plaintiffs could respond to the motion is not a valid basis to re-open this case. Rather, the terms of the parties' settlement must be followed by the parties and, if necessary, enforced by the court.

THEREFORE, IT IS ORDERED that the **Plaintiff's Motion to Re-Open: Order re: Administrative Closure Pursuant to FED. R. CIV. P. 60(b)(3) & (6) [#89]** filed May 14, 2012, is **DENIED**.

Dated March 4, 2013, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge