

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 10-cv-01569-ZLW-KMT

ROBERT DURAN,

Plaintiff,

v.

CITY AND COUNTY OF DENVER, a municipality, and  
STEVEN KOEHLER, in his individual and official capacity,

Defendants.

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**ORDER**

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This matter is before the court on review of “Defendant Koehler’s Suggestion of Bankruptcy and Notice of Automatic Stay” filed February 24, 2011. (Doc. No. 20.) Defendant Steven Koehler filed a Voluntary Petition under Chapter 7 of the United States Bankruptcy Code on February 23, 2011. Therefore, Sections 361 and 362 of the United States Bankruptcy Code apply with respect to Defendant Koehler and the property of Defendant Koehler. Title 11 U.S.C. § 1520(a). Section 362(a) of the Bankruptcy Code provides

Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title, or . . . operates as a stay, applicable to all entities, of (1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title.

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(3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate. . . .

Title 11 U.S.C. § 362(a). Accordingly, the bankruptcy precludes continuing this litigation with respect to Defendant Koehler.

It is therefore ORDERED that all proceedings against Defendant Koehler are STAYED unless and until relief from the automatic stay in Bankruptcy Case No. 11-13292-SBB is granted.

Plaintiff is ORDERED to file a status report in this case within ten days of any relief from stay in the bankruptcy case.

Dated this 28th day of February, 2011.

**BY THE COURT:**



Kathleen M. Tafoya  
United States Magistrate Judge