

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02669-WYD-MEH

STEVEN DOUGLAS GREEN,

Plaintiff,

v.

WENDY BROWN,
DARRELL SNYDER, and
GERALD EMRICK,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on May 9, 2011.

Defendant Brown’s Motion to Stay Briefing on Plaintiff’s Motion for Summary Judgment [filed May 6, 2011; docket #88] and the Motion to Stay Discovery Pending Resolution of Qualified Immunity Asserted in Motions to Dismiss filed by Defendants Snyder and Emrick [filed May 9, 2011; docket #90] are **granted**. The Supreme Court established that evaluating the defense of qualified immunity is a threshold issue, and “[u]ntil this threshold immunity question is resolved, discovery should not be allowed.” *Siegert v. Gilley*, 500 U.S. 226, 233 (1991) (citing *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)); *Workman v. Jordan*, 958 F.2d 332, 336 (10th Cir. 1992) (same); *see also Behrens v. Pelletier*, 516 U.S. 299, 308 & 310 (1996) (noting that discovery can be particularly disruptive when a dispositive motion regarding immunity is pending). All three defendants raise qualified immunity as a defense in the pending motions to dismiss; therefore, the Court must follow Supreme Court precedent regarding **staying discovery** until resolution of the immunity question. This stay of discovery shall extend to staying the briefing on the pending motion for summary judgment filed by Plaintiff.