

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02738-REB-MEH

CURTIS L. LILLY,

Plaintiff,

v.

MR. JASON FASSLER, Correctional Officer, Fremont Correctional Facility, and  
MR. ROBERT BEAUMONT, Correction Officer, Fremont Correctional Facility,

Defendants.

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**MINUTE ORDER**

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on May 31, 2011.**

Defendants' Motion to Stay Discovery [filed May 27, 2011; docket #34] is **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). Defendants raise qualified immunity as a defense in the pending motion to dismiss; therefore, the Court must follow Supreme Court precedent regarding staying discovery until resolution of the immunity question. Accordingly, discovery in this matter is hereby **stayed**.

Pending before the Court is Defendants' Motion to Dismiss [filed May 27, 2011; docket #33]. Plaintiff shall respond on or before **June 21, 2011**. Defendants may reply within **fourteen days** of Plaintiff's response.