

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00048-MSK-KLM

DALE P. ARMELIN,

Plaintiff,

v.

PATRICK R. DONAHUE, Postmaster General, United States Postal Service,

Defendant.

---

**MINUTE ORDER**

---

**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Defendant's **Motion for a More Definite Statement Pursuant to Fed. R. Civ. P. 12(e) and to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6)** [Docket No. 37; Filed August 10, 2011] (the "Motion"). Plaintiff filed a Response [#39] on August 23, 2011, and Defendant filed a Reply [#45] on September 2, 2011. Also on September 2, 2011, Plaintiff filed a motion [#46] requesting a six-month stay of all proceedings in this matter due to health issues. The Court granted that motion on September 12, 2011, and stayed the case through March 10, 2012. See *Minute Order* [#53]. The Court also ordered Plaintiff to submit a status report by March 20, 2012, stating whether he intends to proceed with this litigation. See *id.*

The Court observes that the Motion has been pending for a significant period. Leaving this Motion pending for such a period is having a distortive effect on the statistical and administrative recordkeeping of the Court. The Court could rule on the merits of the Motion, but then any party objecting to the ruling would have to file objections, to which the other party would have to respond, if he/it so desired. This would undermine the purpose of the current stay. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#37] is **DENIED without prejudice**. If Plaintiff files a Status Report by March 20, 2012, stating that he intends to proceed with this litigation, Defendant may refile a motion pursuant to Fed. R. Civ. P. 12, if it so desires, no later than **April 10, 2012**.

Dated: January 26, 2012