

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 11-cv-00407-PAB-BNB

JAMES C. FRANKS,

Plaintiff,

v.

FLINT-MCCLUNG CAPITAL, LLC.,
SHAWON MCCLUNG,
BRYAN FLINT dba, and
HEIDI ARNDT,

Defendants.

ORDER

This matter is before the Court on the Status Report [Docket No. 184] filed by plaintiff James C. Franks. On February 29, 2012, the Court issued an Order administratively closing this case [Docket No. 183] and informed the parties that, in the absence of a request to reopen the case or to extend the administrative closure upon a showing of good cause, this matter would be dismissed without further notice on September 1, 2012. Docket No. 183 at 4. In his status report, plaintiff requests that the Court extend the administrative closure in this case.

Plaintiff states that he is a witness for the Department of Justice and the U.S. Commodities Futures Trading Commission in investigations against the named defendants in this case. Docket No. 184 at 2. Plaintiff reports that, as a victim of defendants' illegal activities, he is currently pursuing administrative remedies through the U.S. Department of Justice and the U.S. Commodities Futures Trading

Commission. *Id.* Plaintiff claims that, if he is able to recover administrative remedies, then the claims at issue in this case could be permanently dismissed. However, because it is uncertain how much time it will take to recover administrative remedies, plaintiff requests an extension of the administrative closure to avoid duplicate prosecution of the underlying claims.

After reviewing the pleading, the Court is fully advised in the premises. In light of the ongoing investigations and plaintiff's pursuit of administrative remedies, the Court finds that there is good cause to continue administrative closure of this case.

Accordingly, it is

ORDERED that this case shall remain administratively closed pursuant to D.C.COLO.LCivR 41.2. It is further

ORDERED that, on March 1, 2013, the parties shall file status reports regarding this case. If no party files a status report, the case will be dismissed without prejudice.

DATED August 28, 2012.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge