

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 12-cv-02362-REB-KLM

RAYMOND MONTOYA,

Plaintiff,

v.

BRUCE NEWMAN, in his official capacity as the Sheriff of Huerfano County Jail,  
LARRY GARBISO,  
DOE #1, 2 - detention center officer at Huerfano County Jail,  
DOE #1-2, medical staff member at Huerfano County Jail, and  
CHARLES NEECE, M.D.,

Defendants.

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**MINUTE ORDER<sup>1</sup>**

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The matter before the court is the **County Defendants' Motion for Summary Judgment** [#79]<sup>2</sup> filed March 31, 2014. The deadline for the response of the plaintiff to this motion has been delayed indefinitely, pending resolution of the motion of the plaintiff for sanctions against the defendants for spoliation of evidence. The spoliation motion remains pending.

As a matter of docket management, I deny the **County Defendants' Motion for Summary Judgment** [#79] filed March 31, 2014, without prejudice. Once the spoliation motion is resolved, the county defendants may renew the **County Defendants' Motion for Summary Judgment** [#79] filed March 31, 2014, by filing a brief written notice stating that the county defendants wish to renew that motion. After reviewing the motion, the file, and the record, it is

**ORDERED** as follows:

1. That the **County Defendants' Motion for Summary Judgment** [#79] filed March 31, 2014, is **DENIED** without prejudice;
2. That after the motion of the plaintiff for spoliation sanctions is resolved, the county

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<sup>1</sup> This minute order is issued pursuant to the express authority of the Honorable Robert E. Blackburn, United States District Judge for the District of Colorado.

<sup>2</sup> “[#28]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

defendants may renew the **County Defendants' Motion for Summary Judgment** [#79] filed March 31, 2014, by filing a brief written notice stating that the county defendants wish to renew that motion;

3. That if such a notice of renewal is filed by the county defendants, then the response of the plaintiff to the **County Defendants' Motion for Summary Judgment** [#79] filed March 31, 2014, shall be filed within 14 days of the filing date of the notice of renewal;

4. That the any reply shall be filed within 10 days of the filing by the plaintiff of a response.

Dated: March 16, 2015.