

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

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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**RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

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

This matter is before the Court on the Court's **Courtroom Minutes/Minute Order** [#65] (the "Minutes"), and the associated Telephonic Discovery Hearing held on January 2, 2014 (the "Hearing"). At the Hearing, the Court allowed additional discovery to be completed by February 14, 2014 and extended the Dispositive Motions Deadline to March 3, 2014. See *Minutes* [#65] at 1. In addition, on August 21, 2013, the Court entered an order regarding Plaintiff's request to inspect the Huerfano County Jail. See *Order* [#45] at 1 (the "Order"). On September 4, 2013, Defendants objected to the Order. See *generally County Defendants' Objection to Order of United States Magistrate Judge* [#48] (the "Objection"). The Objection was ripe on September 18, 2013, however, the parties have since filed two pending motions [##61, 63] relating to the Objection, neither of which is ripe.

The parties cannot conclude discovery until the Court enters an order regarding the Objection.

Accordingly, for the reasons stated above, the Court respectfully **RECOMMENDS** that the Final Pretrial Conference/Trial Preparation Conference set on May 2, 2014 at 3:00 p.m. and the Jury Trial set to begin on May 12, 2014 at 8:30 a.m. be **VACATED** and **RESET** at times convenient to the District Judge.

IT IS **ORDERED** that pursuant to Fed. R. Civ. P. 72, the parties shall have fourteen (14) days after service of this Recommendation to serve and file any written objections in order to obtain reconsideration by the District Judge to whom this case is assigned. A party's failure to serve and file specific, written objections waives de novo review of the Recommendation by the District Judge, Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 147-48 (1985), and also waives appellate review of both factual and legal questions. *Makin v. Colo. Dep't of Corr.*, 183 F.3d 1205, 1210 (10th Cir. 1999); *Talley v. Hesse*, 91 F.3d 1411, 1412-13 (10th Cir. 1996). A party's objections to this Recommendation must be both timely and specific to preserve an issue for de novo review by the District Court or for appellate review. *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996).

Dated: January 3, 2014

BY THE COURT:



Kristen L. Mix  
United States Magistrate Judge