

**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 officer at Huerfano County Jail,  
DOE #1-2, medical staff member at Huerfano County Jail, and  
DR. NEECE,

Defendants.

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**ORDER ADOPTING RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE &  
CONTINUING TRIAL DATE**

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**Blackburn, J.**

This matter is before me on the **Recommendation of United States Magistrate Judge** [#66]<sup>1</sup> filed January 3, 2014. No party filed objections to the recommendation. Thus, I review the recommendation for plain error only. **See *Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10<sup>th</sup> Cir. 2005). Finding no error, much less plain error, in the recommendation, I find and conclude that the recommendation should be approved and adopted as an order of this court.

The parties were not able to complete discovery while an objection to a discovery order entered by the magistrate judge was pending. That objection now has been

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<sup>1</sup> “[#66]” 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.

resolved. Based on these circumstances, the magistrate judge recommends that the trial currently set to commence May 12, 2014, at 8:30 a.m., be continued to permit the parties to complete discovery. I agree.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Recommendation of United States Magistrate Judge** [#66] filed January 3, 2014, is **APPROVED** and **ADOPTED** as an order of this court;
2. That the Final Pretrial Conference/Trial Preparation Conference set May 2, 2014 at 3:00 p.m., and the jury trial set to begin May 12, 2014 at 8:30 a.m., are **VACATED** and **CONTINUED** pending further order;
3. That counsel **SHALL CONTACT** the court's administrative assistant, **Susan Schmitz, at (303) 335-2350** on **January 31, at 9:30 a.m.**, to reschedule the combined Trial Preparation Conference and Final Pretrial Conference and the trial;
4. That counsel for the plaintiff **SHALL ARRANGE, INITIATE,** and **COORDINATE** the conference call necessary to facilitate the setting conference;
5. That the **Second Trial Preparation Conference Order** [#54] filed September 18, 2013, is **AMENDED** as stated in this order; and
6. That otherwise, the **Second Trial Preparation Conference Order** [#54] filed September 18, 2013, **SHALL REMAIN** in full force and effect.

Dated January 21, 2014, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge