

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02403-RBJ-MJW

ERNIE J. SAVANNAH,

Plaintiff,

v.

BILL COLLINS and
ROBERT KNAB,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that plaintiff's Motion Requesting Bench Trial by the Record (Docket No. 28) is DENIED. Plaintiff's Complaint (Docket No. 1) included a jury trial demand. Docket No. 28, at 8. Further, Defendant Knab's Answer (Docket No. 23) included a jury trial demand. Docket No. 23, at 8. Plaintiff has "no right to withdraw the jury demand unilaterally." Trujillo v. Bd. of Educ. of Albuquerque Public Schools, 295 Fed. Appx. 885, 891 (10th Cir. 2008); Fed. R. Civ. P. 38(d) ("A demand for a trial by jury made as herein provided may not be withdrawn without the consent of the parties."); Fed. R. Civ. P. 39(a)(1) (providing that, once a jury trial has been demanded, trial must be by jury on all jury-triable issues unless all parties stipulate to a nonjury trial). Accordingly, because Defendant Knab has not stipulated to a nonjury trial, plaintiff's motion must be denied.

Date: January 30, 2013
