

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02764-REB-KLM

JAMES FAIRCLOTH,

Plaintiff,

v.

CELIA SCHWARTZ, Legal Assistant for BVCF, in her official and individual capacities,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Verified Petition—Sworn Under Penalty of Perjury for Support for Injunction/T.R.O. to Enjoin Mail Restrictions** [#171]¹ (the "First Motion"), Plaintiff's **Motion for Order of Injunction and T.R.O. to Defendant'(s)to [sic] Not Impede Access to the Court(s) and/or Combined Motion for Counsel in the Alternative** [#172] (the "Second Motion" and collectively with the First Motion, the "Motions"), and Plaintiff's **Brief in Support of Petitioner's Motion for Order of Injunction and T.R.O. to Defendant'(s)to [sic] Not Impede Access to the Court(s) and/or Combined Motion for Counsel in the Alternative** [#173]. On June 18, 2015, this case was stayed through August 30, 2015, per Plaintiff's request. *See generally Order* [#164]. In Plaintiff's Petition for Stay of Proceedings to Consult With Attorney [#129] (the "Stay Motion"), Plaintiff explained that he wanted time to consult with Elisabeth Owen, an attorney with the Prisoners' Justice League of Colorado. *Stay Motion* [#162] at 1. Plaintiff further noted that he hoped that consulting with Ms. Owen would lead to either "a possible resolution" of this and his other pending lawsuits or Ms. Owen's agreement that she would represent him in this case. *Id.* The Court granted the Stay Motion and ordered the case stayed through August 30, 2015. *See Order* [#164] at 5. At that time, the Court ordered Plaintiff to file a Status Report on or before August 30, 2015, "informing the Court: (1) whether he has obtained representation and (2) whether he intends to move forward with this lawsuit." *Id.* The Court warned Plaintiff that "[f]ailure to comply with this Order may result in the imposition of sanctions, including dismissal of this case." *Id.* (emphasis

¹ "[#171]" is an example of the convention the Court uses to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). The Court uses this convention throughout this Minute Order.

in original). This case remains stayed and no Status Report has been filed. Accordingly, the Court will deny the Motions without prejudice.

IT IS HEREBY **ORDERED** that the Motions [##171, 172] are **DENIED without prejudice**.

IT IS FURTHER **ORDERED** that in the Status Report mandated by the Court's June 18, 2015 Order [#164], Plaintiff shall include a list of any motions he would like to file in this action if the stay is lifted and explain, in one hundred words or less per motion, the reason why he would like to file each motion listed.

Dated: August 18, 2015