

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03317-REB-KLM

JAMES FAIRCLOTH,

Plaintiff,

v.

MARQUEZ, Correctional Officer, in his individual capacity, and  
TOM BENEZE, Lt., in his individual capacity,

Defendants.

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MINUTE ORDER

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ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on 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** [#145]<sup>1</sup> (the "Motion") 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** [#146]. On June 24, 2015, this case was stayed through August 30, 2015, per Plaintiff's request. *See generally Order* [#134]. In Plaintiff's Petition for Extension of Time for Discovery and/or Request for Stay of Proceedings to Consult With Attorney [#132] (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* [#134] 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 in original). This case remains stayed and no Status Report has been filed. Accordingly,

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<sup>1</sup> "[#145]" 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.

the Court will deny the Motion without prejudice.

IT IS HEREBY **ORDERED** that the Motion [#145] is **DENIED without prejudice**.

IT IS FURTHER **ORDERED** that in the Status Report mandated by the Court's June 24, 2015 Order [#134], 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