

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.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on the **Motion for Leave to Provide Limited Scope Representation Pursuant to D.COLO.LAttyR 2(a) [#150]**¹ (the “Motion”) and Plaintiff’s **Status Report of Case’s [sic] by Petitioner to the Court and Combined Motion for Extension of Time to [F]urther [C]onsult [W]ith Counsel Adequately on [H]ow to [P]roceed in Case [#151]** (the “Status Report”). 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 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* [#132] 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.

In the Motion, Ms. Owen requests leave to represent Plaintiff for the limited purpose of “obtaining a stay of proceedings to enable the parties to negotiate a global resolution of claims asserted by Plaintiff in this and other pending litigation in state and federal court against the same or related defendants.” *Motion, Ex. 1* [#150-1] at 1. The Court finds that there is good cause to allow Ms. Owen to provide a limited scope representation to Plaintiff,

¹ “[#150]” 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.

an unrepresented prisoner, in this matter pursuant to D.C.COLO.LAttyR 2(b)(1).

In the Status Report, dated before the Motion, Plaintiff informs the Court that he has been working to obtain representation and requests an extension of time in which to consult with Ms. Owen regarding his pending cases. *Status Report* [#143] at 3. The Court understands this to request an extension of the stay entered in this case on June 23, 2015 [#134]. The Court finds that for the reasons discussed in the June 24, 2015 Order [#134], the requested relief should be granted. Accordingly, the Court will extend the existing stay through November 27, 2015.

Plaintiff also asks the Court to rule on “the Injunctions/T.R.O.(s) he has filed” *Id.* On August 18, 2015, the Court denied without prejudice the motion filed by Plaintiff seeking injunctive relief and a temporary restraining order. *Minute Order* [#148] at 2. In that Order, the Court also ordered Plaintiff to include a list of motions he would like to file in this case in the status report he was ordered to file at the expiration of the stay. *Id.* Because the Status Report includes such a list, the Court believes that Plaintiff received the August 18, 2015 Order. However, as a one-time courtesy, the Court will order the Clerk of the Court to enclose a copy of the August 18, 2015 Order with this Minute Order when it is sent to Plaintiff.

For the reasons stated above.

IT IS HEREBY **ORDERED** that the Motion [#150] is **GRANTED**. The Notice of Limited Representation Entry of Appearance of Elisabeth L. Owen [#150-1] is accepted for filing as of the date of this Minute Order. Attorney Elisabeth L. Owen shall be permitted to represent Plaintiff James Faircloth for the limited purpose of “obtaining a stay of proceedings to enable the parties to negotiate a global resolution of claims asserted by Plaintiff in this and other pending litigation in state and federal court against the same or related defendants.” *Motion, Ex. 1* [#150-1] at 1.

IT IS FURTHER **ORDERED** that, to the extent the Status Report [#151] requests an extension of the stay entered in this case, it is **GRANTED**. The stay entered in this case is extended through **November 27, 2015**. If a Notice of Settlement or dismissal papers have not been filed by that date, Plaintiff shall file a Status Report **on or before November 27, 2015** informing the Court of the status of this case. The Status Report shall include a list of any motions Plaintiff would like to file in this action and explain, in one hundred words or less per motion, the reason why he would like to file each motion listed.

IT IS FURTHER **ORDERED** that the Clerk of the Court shall mail the August 18, 2015 Order [#148] to Plaintiff with this Minute Order.

Dated: September 3, 2015