

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 13-cv-03060-RPM

DOUGLAS RATHBUN,

Plaintiff,

v.

BERNARD MONTOYA, Detective, Denver Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity;

JOHN M. LIETZ, Detective, Denver Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity;

DAVID SCONCE, Sergeant, Denver Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity

JAMES SEWALD; Officer, Denver Police Department, sued in his individual capacity;

ART PETERSON, Detective, Jefferson County Sheriff's Office, Metropolitan Auto Theft Task Force, sued in his individual capacity;

W.D. HOOVER, Sergeant, Lakewood Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity;

SEAN TEMPLETON, Detective, Lakewood Police Department, sued in his individual capacity;

OFFICER OBECHINA, Detective, Lakewood Police Department, sued in his individual capacity;

CHARLES HEMMING, Detective, Wheat Ridge Police Department, Metropolitan Auto Theft Task Force, sued in his individual capacity;

DELFINO RODRIGUEZ, Inspector, Denver Neighborhood Inspection Services, sued in his individual capacity;

OFFICER MUELLER, Metropolitan Auto Theft Task Force, sued in his individual capacity;

OFFICER MORETTI, Metropolitan Auto Theft Task Force, sued in his individual capacity;

JOHN DOES 1-4, Metropolitan Auto Theft Task Force, sued in their individual capacities;

Defendants.

ORDER DIRECTING PLAINTIFF'S RESPONSE TO ORDER AND JUDGMENT

By the Order and Judgment issued by the Tenth Circuit Court of Appeals on October 16, 2015, and the mandate received today, this Court's denial of defendants' motions to dismiss based on qualified immunity was reversed. Accordingly, to the extent that the plaintiff's claims are based on an invalid warrant they are now dismissed. It is not clear from the complaint the extent to which the plaintiff is asserting that the seizures made exceeded the scope of the warrant and what other conduct is not within the protection of qualified immunity.

It is therefore necessary for the plaintiff to identify what claims still remain to be resolved in this

civil action. It is therefore

ORDERED that on or before November 23, 2015, the plaintiff shall file and serve a statement as to what if any claims remain after the appellate court ruling.

DATED: November 9th, 2015

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge