

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01203-CMA-MJW

RONALD PLUMMER,

Plaintiff,

v.

LISA MCDERMOTT,
DAVID ALLRED, and
BRAD CINK,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Plaintiff's Motion Objecting to Judge's Order Granting Defendants' Motion and Request for Reconsideration of Said Order (Docket No. 34) is DENIED.

"Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice. Thus, a motion for reconsideration is appropriate where the court has misapprehended the facts, a party's position, or the controlling law." *Servants of the Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000) (internal citation omitted). Here, Plaintiff does not point out any facts, positions, or law that the Court has misapprehended. Although Plaintiff argues that the Court's order postponing a Rule 16 Scheduling Conference until after Defendants' expected motion to dismiss is resolved "has brought the proceedings in this case to a complete halt," that is the outcome generally called for by controlling precedent. *Garrett v. Stratman*, 254 F.3d 946, 951 (10th Cir. 2001); *see also Crawford-El v. Britton*, 523 U.S. 574, 598 (1998); *Behrens v. Pelletier*, 516 U.S. 299, 308 (1996). Plaintiff is advised that, should Defendants not timely file a motion to dismiss asserting a defense of qualified immunity, the Court will re-set the Rule 16 Scheduling Conference.

Date: September 16, 2014
