

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03237-MEH

MELEAHA R. GLAPION,

Plaintiff,

v.

JULIAN CASTRO, Secretary, U.S. Department of Housing and Urban Development,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on February 8, 2016.

Before the Court is Plaintiff's Motion to Hold Civil Action in Abeyance [filed January 29, 2016; docket #52]. Defendant filed a Response, as ordered, on February 5, 2016. *See* docket #54. For the reasons that follow, the Court **denies** the Motion, but will allow a brief extension for Plaintiff to file her response to Defendant's pending Motion for Summary Judgment.

Plaintiff essentially seeks a stay of this case to await the outcome of her appeal to the Tenth Circuit of another of her cases, *Glapion v. Castro*, 14-cv-01699-MEH. Motion, docket #52. She asserts that her claims in the above-captioned case are "intricately intertwined" with the case now on appeal, thus the Court should issue a stay as Plaintiff will not be able to show the "full extent of the impact caused by Defendant" in this case without final resolution of the previous case by the Tenth Circuit. *Id.* at 2-6. She argues no one will be prejudiced and efficiency warrants a stay. *Id.* at 4.

Defendant responds that Plaintiff has failed to show good cause for a stay, does not show how the resolution of the previous case would substantially impact her case, and argues it would be more efficient for the Court to decide the pending Motion for Summary Judgment now. Response, docket #54 at 1. Defendant further argues that the 23-page Motion for Summary Judgment is not overly complex, does not factually overlap with the previous case in either time or issues and, thus, does not rely on the outcome of the appeal. *Id.* at 2. Meanwhile, Defendant asserts it would be prejudiced by a stay, while a stay would be inefficient for the Court.

The Court is not persuaded that the interests of justice would lead to the conclusion that a stay is warranted. *See Clinton v. Jones*, 520 U.S. 681, 706 (1997). As previously discussed in a related hearing in this case when Plaintiff sought an administrative closure to her multiple cases filed in this District, Defendant would be prejudiced by further delay in this case. *See* docket #136. Plaintiff has not shown evidence of how she would be prejudiced, with the exception of making conclusory statements, in the absence of a stay. And efficiency of the Court's docket warrants moving ahead with this case without a stay.

The Court has reviewed the Tenth Circuit's record on appeal of Plaintiff's first case, and sees that Plaintiff (Appellant above) filed her opening brief on January 19, 2016; Defendant's (Appellee above) response brief is due February 19, 2016, then Plaintiff/Appellant will be permitted to reply. Therefore, Plaintiff here has had time between the filing of her brief January 19, 2016, until now to work on her response to Defendant's Motion for Summary Judgment. Despite that, the Court will grant a brief extension; Plaintiff may file her response **on or before February 19, 2016**.