

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00741-PAB-MJW

WILLIAM GILMORE,

Plaintiff,

v.

TRUDY SICOTTE, and
DAVID TESSIER,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that:

- Defendant David Tessier's Motion to Stay Discovery, Stay Rule 26 Deadlines and Proceedings, and to Vacate the July 22, 2015 Scheduling Conference (**Docket No. 27**) is **GRANTED**. Defendants are entitled to a stay pending resolution of the motion to dismiss, *Ashcroft v. Iqbal*, 556 U.S. 662, 685 (2009) ("The basic thrust of the qualified-immunity doctrine is to free officials from the concerns of litigation, including 'avoidance of disruptive discovery.'"), particularly in cases like this one, see *Rome v. Romero*, 225 F.R.D. 640 (Colo. 2004) (noting that stay is inappropriate where qualified immunity is not raised early, and where qualified immunity does not apply because only prospective relief or official-capacity defendants are at issue). Further, the Court need not await Plaintiff's response before ruling on the motion. D.C.COLO.LCivR 7.1(d) ("Nothing in this rule precludes a judicial officer from ruling on a motion at any time after it is filed.").
- The Scheduling Conference set for July 22, 2015, at 9:00 a.m. is **VACATED**, to be re-set at a future date, if necessary.
- Plaintiff's Motion to Introduce Undisputed Facts(**Docket No. 29**) and Motion to Introduce Supporting Documentation/Motion to Compel Discovery (**Docket No. 24**) are both **DENIED IN PART** and **GRANTED IN PART**. To the extent Plaintiff wishes to offer evidence into the record for purposes of establishing his case, this is not the proper time to do so and the motion is denied. To the extent Plaintiff believes the facts and

documents set forth in these filings bear on the sufficiency of his pleadings, and more specifically on Defendant Tessier's Motion to Dismiss (Docket No. 26), the motion is granted. The Court will consider the filings to the extent they are properly considered under the Federal Rules of Civil Procedure governing pleadings. The Court notes that Plaintiff has until July 27, 2015, to file a formal response to the motion to dismiss (Docket No. 26). See D.C.COLO.LCivR 7.1(d); Fed. R. Civ. P. 6(d).

Date: July 8, 2015
