

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 15-cv-00845-REB-MJW

JONATHAN APODACA, and  
JOSHUA VIGIL, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

RICK RAEMISCH, Executive Director, Colorado Department of Corrections, in his  
individual capacity, and  
TRAVIS TRANI, Warden, Colorado State Penitentiary, in his individual capacity,

Defendants.

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**ORDER GRANTING MOTION TO STAY**

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**Blackburn, J.**

The matter before me is defendants' **Motion To Stay All Proceedings** [#80],<sup>1</sup> filed November 27, 2015. This court's decision denying defendants' motion to dismiss implicates their putative entitlement to qualified immunity, and thus is a final decision properly appealable. *See Ashcroft v. Iqbal*, 556 U.S. 662, 672, 129 S.Ct. 1937, 1946, 173 L.Ed.2d 868 (2009). The defendants have filed a **Notice of Appeal** [#77]. A stay of proceedings therefore is appropriate, as this court now lacks jurisdiction over the matter. *Stewart v. Donges*, 915 F.2d 572, 575 (10<sup>th</sup> Cir. 1990).

**THEREFORE, IT IS ORDERED** as follows:

1. That defendants' **Motion To Stay All Proceedings** [#80], filed November 27,

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<sup>1</sup> "[#80]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

2015, is granted;

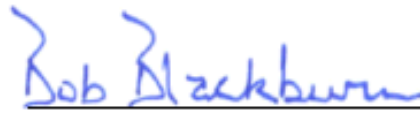
2. That all pending deadlines are vacated;

3. That **Plaintiffs' Motion for Class Certification** [#61], filed September 3, 2015, is denied without prejudice; and

4. That this matter is stayed pending further order of the court.

Dated November 30, 2015, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge