

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 18-cv-01112-RM-SKC

JAMES RALPH DAWSON, JR.,

Plaintiff,

v.

COLEMAN, BVCC Associate Warden,
DAVID LISAC, Major, and
TRESCH, Corrections Officer,

Defendant.

ORDER

Before the Court is Defendants' Motion for Continuance of Trial (ECF No. 85), seeking to postpone the four-day jury trial scheduled to begin on August 23, 2021. Defendants request a continuance, stating that Defendant Tresch will be on Family Medical Leave Act ("FMLA") leave until the beginning of September 2021 because he "is expecting the birth of a child in the coming weeks and will have to care for his child and provide assistance to his spouse during the weeks immediately following the birth." (ECF No. 85 at 4.) The Motion further states that attending trial would require Defendant Tresch to "have to leave his home to travel four consecutive days from the Buena Vista area, more than 100 miles from Denver one-way while on FMLA leave." (*Id.*) In response, Plaintiff contends that there is nothing preventing Defendant Tresch from appearing in Court. (ECF No. 88 at 1.) The Court agrees with Plaintiff that the grounds stated in the Motion are wholly inadequate to justify a continuance.

However, other relevant grounds do exist for continuing this trial. The Court is facing a backlog of cases that were postponed due the Covid-19 pandemic. A criminal case that has twice been continued has been scheduled for the same time as this trial. It is proceeding to trial and has priority over this civil matter.

Therefore, the Court ORDERS:

- (1) the four-day jury trial set to commence on August 23, 2021 is hereby VACATED;
- (2) the Trial Preparation Conference set for July 30, 2021 is also VACATED;
- (3) Defendants' Motion (ECF No. 85) is DENIED AS MOOT; and
- (4) counsel are directed to contact the Court's Judicial Assistant via email

(Deanne_bader@cod.uscourts.gov), on or before the close of business on August 2, 2021 to obtain new trial dates.

DATED this 26th day of July, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Raymond P. Moore', written over a horizontal line.

RAYMOND P. MOORE
United States District Judge