

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSEPH R. MAESTAS,

Plaintiff,

v.

CV 16-614 WJ/WPL

AMY SEIDEL,

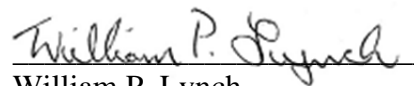
Defendant.

ORDER QUASHING ORDER TO SHOW CAUSE

Amy Seidel filed a motion to stay based on qualified immunity (Doc. 35), which was later withdrawn (Doc. 39), but never filed a motion to dismiss or motion for summary judgment based on qualified immunity. Seidel later filed a motion to stay pending resolution of a motion to dismiss based on res judicata. (Doc. 41.) I granted the second motion to stay and ordered Seidel's counsel to show cause why they should not be sanctioned under Federal Rule of Civil Procedure 11 for filing the initial motion to stay. (Doc. 52.) Counsel timely filed their response to my order to show cause. (Doc. 55.)

Counsel provided an adequate response and I agree the Rule 11 sanctions are not appropriate in this instance. Accordingly, the order to show cause is quashed.

IT IS SO ORDERED.



William P. Lynch
United States Magistrate Judge

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any pro se party as they are shown on the Court's docket.