

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

TIERRA BLANCA HIGH
COUNTRY YOUTH PROGRAM;
SCOTT CHANDLER; COLLETTE
CHANDLER; and BRYCE HALL,

Plaintiffs,

No. 2:15-cv-00850-MCA-KRS

v.

FELIPE GONZALES,

Defendant.

**ORDER GRANTING IN PART PLAINTIFFS' MOTION TO
CLARIFY, CLARIFYING STAY OF DISCOVERY, AND
DIRECTING PARTIES TO SUBMIT JOINT LETTER**

THIS MATTER comes before the Court on Plaintiffs' motion to clarify the stay of discovery issued on January 25, 2017, following Defendant's assertion of qualified immunity. The Court has considered the parties' submissions and heard oral argument on the motion on August 28, 2017. At the conclusion of hearing, the Court announced its decision from the bench and determined that clarification is appropriate under the circumstances.

IT IS, THEREFORE, ORDERED that Plaintiffs' motion seeking clarification [Doc. 80] is **GRANTED IN PART** for the reasons stated on the record.

IT IS FURTHER ORDERED that the Court's order staying discovery [Doc. 63] is clarified as follows: The stay shall not be read as constricting, limiting, or otherwise setting procedure in ongoing administrative proceedings before New Mexico's Children Youth and Family Services Department ("CYFD"). The Court has no jurisdiction over the CYFD proceeding. Accordingly, the Court does not have the power or authority to either limit discovery in that proceeding or to compel discovery in that proceeding. The doctrine of

qualified immunity, which is the basis for the Court's stay in this matter, is not applicable to the CYFD matter.

IT IS FURTHER ORDERED that parties' shall inform the Court on or before **September 1, 2017** by joint letter whether they would like Judge Sweazea to continue in this case or have it reassigned for the reasons discussed at the August 28, 2017 hearing.

A handwritten signature in black ink that reads "Kevin Sweazea". The signature is written in a cursive style with a horizontal line underneath it.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE