

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

JIMMY MCCLENDON; HAROLD LUND;  
PETER SUMATKAKU; DAVID MICHAEL  
BAUER; CARL RAY LOPEZ; BRUCE  
DAVID MORAWA; THOMAS YOUNG;  
RUTHIE DURAN; DEBORAH LAVERA;  
JANELLE ROYBAL; DANETTE DIFIORI;  
MARIA SISNEROS; LARRY GREEN;  
BARTEL HALEY; MICHAEL COTE; JOE  
RAY HERRERA; JOSIE KRIENA; DEBBIE  
LUCERO; DAVID SHAWKIN; MARC A.  
GILLETTE; GEORGE CHAVEZ; ELISEO  
BACA; CLINT BARRAS; FRANCISCO  
MELENDEZ; SAMUAL HERROD; VINCENT  
PADILLA; CARL DUCKWORTH; JOSEPH  
W. ANDERSON; PAUL JOHNSON; FRED  
MALL; HECTOR LOPEZ; RICKY ROSE;  
HERBERT KING, SR.; JAMES PARKS;  
MICHAEL A. JOHNSON; JOHNNY  
VALLEJOS; JOE NEWBERRY; DARRYL  
CRAFT; ALBERT WILLY; WILLIAM P.  
JIMMY; AUGUSTINE TAPIA; RICHARD A.  
SMITH; ROBERT LOVATO; ROY  
WHATLEY; MARTY BEGAY; MARTIN  
VALDIVIA; TALLIE THOMAS;  
AUGUSTINE JACKSON; DONALD HALL;  
CARL SUR; STEVE ESQUIBEL; LONNIE  
WHATLEY; JAMES SAIZ; BRYON  
ZAMORA; ALLEN M. SAWYER; PATRICK  
BENNY ROMERO; RICHARD C. KOPECKY;  
PHILLIP SHUMATE; NELSON ROMERO;  
STEVE JOHNSON; BENNIE F. GARCIA;  
LOUIE CHAVEZ; BRIAN SALAZAR;  
RICHARD GALLEGOS; LARRY STROUD;  
JAMES BURKS; BRAD FISCHER; AMIHON  
BACA; JEFF DILLOW; PETE MCQUEEN;  
MANUEL MARTINEZ; ARNOLD  
ANTHONY MAESTAS and JOHN HEWATT,

Plaintiffs,

vs.

No. CIV 95-0024 JB/KBM

E.M.; R.L.; W.A.; D.J.; P.S.; N.W. and  
SHAWNA TANNER,

Plaintiff-Intervenors,

vs.

CITY OF ALBUQUERQUE; MARTIN  
CHAVEZ, Mayor of Albuquerque; COUNTY  
OF BERNALILLO; PATRICK BACA,  
Bernalillo County Commissioner; ALBERT  
VALDEZ, Bernalillo County Commissioner;  
EUGENE GILBERT, Bernalillo County  
Commissioner; BARBARA SEWARD,  
Bernalillo County Commissioner;  
JACQUELINE SCHAEFER, Bernalillo  
County Commissioner; BILL DANTIS,  
Director, Bernalillo County Detention Center;  
BERNALILLO COUNTY DETENTION  
CENTER; PAUL SANCHEZ; FRANK  
LOVATO; ERCELL GRIFFIN, Deputy  
Director, Bernalillo County Detention Center;  
MICHAEL SMITH, Lieutenant; JOHN VAN  
SICKLER, Lieutenant; WILL BELL, Officer;  
ALFRED CHAVEZ, Lieutenant; RICHARD  
FUSCO, Lieutenant; GEORGE FUENTES;  
DAVID BACA, Lieutenant; VICTOR  
HERNANDEZ; KEVIN D. SEVIR; DR. JIM  
MASON; BARBARA COLE; MARIA  
LUCERO; DAVID ROYSTON; FELIMON  
MARTINEZ, Captain; STANLEY LENTS;  
DOUGLAS ROBINSON; SEAL BARLEY;  
LYNN KING; DAVID SHERMAN; BRIAN  
MASER; JOHN DOES, Employees of  
Bernalillo County Detention Center; NANCY  
L. SIMMONS; MICHAEL SISNEROS,  
Director of Bernalillo County Detention  
Center, in his official capacity, and  
BERNALILLO COUNTY BOARD OF  
COMMISSIONERS,

Defendants,

vs.

LAWRENCE A. JOHNSON; WILLIE

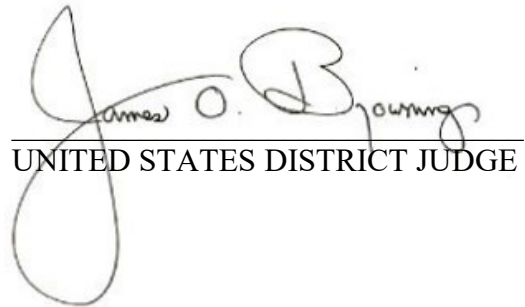
JAMES WASHINGTON; MANUEL R.  
BOSWELL and AFSCME LOCAL 2499,

Intervenors.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on the Plaintiffs and the Plaintiff-Intervenors' Expedited Motion to Vacate Hearing and Set Scheduling Conference on UNM's Motion to Modify Orders, filed November 3, 2023 (Doc. 1676). The Court held a hearing on November 6, 2023. The primary issue is whether the Court should vacate the November 21, 2023, hearing in this matter and hold a scheduling conference. For the reasons stated on the record at the hearing, see Draft Transcript of Hearing at 34:8-35:19 (taken November 6, 2023)(Court),<sup>1</sup> the Court denies the Plaintiffs and the Plaintiff-Intervenors' request to vacate the November 21, 2023, hearing.

**IT IS ORDERED** that: (i) the Plaintiffs and the Plaintiff-Intervenors' Expedited Motion to Vacate Hearing and Set Scheduling Conference on UNM's Motion to Modify Orders, filed November 3, 2023 (Doc. 1676), is denied; and (ii) discovery is allowed on the Regents of the University of New Mexico's Motion to Modify Orders, filed October 20, 2023 (Doc. 1667).

  
UNITED STATES DISTRICT JUDGE

*Counsel and Parties:*

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<sup>1</sup>The Court's citations to the transcript of the hearing refer to the court report's original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

-- and --

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