

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 09-cv-00858-WJM-MEH

EBONIE S., a child by her mother and next friend, MARY S.,

Plaintiff,

v.

PUEBLO SCHOOL DISTRICT 60

Defendant.

ORDER ADMINISTRATIVELY CLOSING CASE

This matter is before the Court *sua sponte*. In this civil rights case two statutory claims based on allegedly discriminatory practices in violation of the Americans with Disabilities Act, 42 U.S.C. § 12131 *et seq.* (“ADA”), and § 504 of the Rehabilitation Act, 29 U.S.C. § 794 (“Rehabilitation Act.”), remain pending against Defendant School District.

On May 3, 2011, this Court entered an Order on Defendants’ Motions for Summary Judgment (ECF No. 159). On May 5, 2011 Plaintiff filed a Motion for Reconsideration or for Rule 54(b) Certification, or in the alternative, Certification of Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b) and for Stay of Proceedings (ECF No. 169). This Motion was granted in part on May 17, 2011 (ECF No. 194), the Court granted Plaintiff’s Motion for Rule 54(b) Certification, allowing immediate appeal of the Court’s May 3, 2011 Order. Judgment was entered on May 19, 2011 (ECF No. 198) and Plaintiff thereafter timely filled an Interlocutory Appeal on June 15, 2011 (United

States Court of Appeals for the Tenth Circuit Case Number 11-1273).

The Court finds that there appears to be no reason at this time to maintain this matter as an active open case. Accordingly, the Clerk is instructed to ADMINISTRATIVELY CLOSE this case, pending disposition by the Court of Appeals for the Tenth Circuit of the Interlocutory Appeal.

Nothing contained in this Order shall be considered a dismissal or final disposition of this case in this Court. Any party may move this Court to reopen this matter for good cause shown after issuance by the Tenth Circuit of its Mandate on the subject appeal.

Dated this 27th day of March, 2012.

BY THE COURT:



William J. Martínez
United States District Judge