

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

John Mikall Paul Swietlicki v. Joshua Lessar

Swietlicki v. Lessar · No. 22-cv-02334-CYC · Decided May 29, 2026

SUMMARY

The United States District Court for the District of Colorado denied Plaintiff John Mikall Paul Swietlicki’s motion for contempt. The court held that the plaintiff failed to show by clear and convincing evidence that Defendant Joshua Lessar disobeyed the relevant court order or that unidentified third parties at the correctional facility had knowledge of the order.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Cyrus Y. Chung
JURISDICTION	United States District Court for the District of Colorado
DECIDED	May 29, 2026
DOCKET	22-cv-02334-CYC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for civil contempt against the defendant based on an alleged violation of a court order concerning telephone or WebEx visits with opposing counsel.
STANDARD OF REVIEW	A party seeking civil contempt must prove by clear and convincing evidence that a valid court order existed, the alleged contemnor knew of the order, and disobeyed it.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order
PARTIES	John Mikall Paul Swietlicki v. Joshua Lessar

TOPICS

- contempt
- civil procedure

PRACTICE AREAS

- civil procedure
- contempt
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether defendant could be held in civil contempt for an alleged denial of a scheduled visit by unidentified third parties at a correctional facility.
2. Whether unidentified third parties could be held in civil contempt without evidence that they had knowledge of the court order.

HOLDINGS

1. A defendant cannot be held in civil contempt for an alleged violation committed by a third party when the plaintiff offers no evidence that the defendant disobeyed the court order.
2. Third parties may be held in civil contempt, but the plaintiff must prove the same contempt elements as to each third party, including knowledge of the court order and disobedience; the motion fails absent such evidence.

KEY QUOTATIONS

“In the civil contempt context, a plaintiff has the burden of proving, by clear and convincing evidence, that a valid court order existed, that the nonmovant had knowledge of the order, and that the nonmovant disobeyed the order.”

“But the plaintiff cannot seek to hold the defendant in contempt for something a third-party did.”

FACTUAL BACKGROUND

A July 1, 2024 order stated that defense counsel could schedule telephonic or WebEx meetings with plaintiff through the Fremont Correctional Facility visiting department. Plaintiff alleged that unidentified individuals at the facility denied a scheduled visit on October 3, 2025. Plaintiff presented no evidence that defendant disobeyed the order or that the unidentified individuals knew of the order.

PROCEDURAL HISTORY

The court previously ordered that defense counsel could schedule telephonic or WebEx meetings with the plaintiff through the Fremont Correctional Facility visiting department. Plaintiff alleged that unidentified individuals at the facility denied a scheduled visit and moved to hold defendant in contempt. The district court denied the motion because plaintiff offered no evidence that defendant disobeyed the order or that the unidentified third parties knew of it.

DISPOSITION

other

CASES CITED

- F.T.C. v. Kuykendall, 371 F.3d 745, 756-57 (10th Cir. 2004)
- Stransky v. HealthONE of Denver, Inc., 929 F. Supp. 2d 1100, 1113 (D. Colo. 2013)
- United States v. Ford, 514 F.3d 1047, 1051 (10th Cir. 2008)

- Christ Ctr. of Divine Phil, Inc. v. Elam, No. CIV-16-65-D, 2018 WL 8264339, at *2 (W.D. Okla. Feb. 5, 2018)
- Garcia v. Experian Info. Sols., No. 22-cv-02769-GPG-KAS, 2025 WL 3684240, at *1 (D. Colo. Dec. 18, 2025)
- Dutch Heritage Garden Inc. v. Kroger Co., No. 24-cv-00757-GPG-NRN, 2025 WL 3264459, at *1 (D. Colo. Nov. 24, 2025)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-district-of-colorado/2026/john-mikall-paul-swietlicki-v-joshua-lessar-83liiv7w>