

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Wiley Y. Daniel

Civil Action No. 06-cv-02105-WYD-KLM

MIKEAL STINE,

Plaintiff,

v.

R. WILEY, Warden, ADX, Florence, CO,
MS. KRIST, SIA ADX, Florence, CO,
MR. J.T. SHARTLE, Associate Warden, ADX,

Defendants.

**ORDER AFFIRMING AND ADOPTING RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

THIS MATTER is before the Court on the Recommendation of United States Magistrate Judge filed August 10, 2010 [d/e 203]. This matter was referred to Magistrate Judge Kristen L. Mix by Order of Reference dated August 9, 2010.

Magistrate Judge Mix recommends that Mr. Stine's Motion to Reopen [ECF NO. 198] be denied. Magistrate Judge Mix also advised Mr. Stine that specific written objections were due within fourteen (14) days after being served with a copy of the Recommendation. (Rec., pp. 3-4 [ECF No. 203]. Despite this advisement, no objections were filed to the Magistrate Judge Mix's Recommendation. No objections having been filed, I am vested with discretion to review the Recommendation "under any standard [I] deem[] appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); see

also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings”). Nonetheless, though not required to do so, I review the Recommendation to “satisfy [my]self that there is no clear error on the face of the record.”¹ See FED. R. CIV. P. 72(b), Advisory Committee Notes.

Having reviewed the Recommendation, I am satisfied that there is no clear error on the face of the record. I agree with Magistrate Judge Mix that the Motion should be denied. Mr. Stine’s motion to reopen is more aptly described as an improper attempt to circumvent the injunction entered against him by this Court. See, e.g., *Stine v. Lappin*, No. 07-cv-01839, 2009 WL 2848849 (D. Colo. Sept. 1, 2009) (unpublished decision) (noting that Plaintiff has at least four strikes against him and enjoining future filing except in the rarest of circumstances). Moreover, Mr. Stine has been directed by me not to file any additional motions or other pleadings in this closed case. See Court’s Orders [ECF No. 177, 185 & 190]. I will not countenance Mr. Stine’s flagrant disregard for my Orders and Orders from other Judges in this District by allowing him to file motion after motion in this case under the guise of his alleged need to reopen this matter. Therefore, Mr. Stine’s motion to reopen is denied and all of the pleadings filed in this matter after that date are hereby stricken. Accordingly, it is hereby

ORDERED that the Recommendation of United States Magistrate Judge Kristen L.

¹ Note, this standard of review is something less than a “clearly erroneous or contrary to law” standard of review, FED. R. CIV. P. 72(a), which in turn is less than a *de novo* review, FED. R. CIV. P. 72(b).

Mix dated August 10, 2010, [ECF No. 203] is **AFFIRMED and ADOPTED**. It is

FURTHER ORDERED that Plaintiff's Motion to Reopen [ECF NO. 198] is **DENIED**
It is

FURTHER ORDERED that Plaintiff's Motion to Recuse [ECF No. 204], Plaintiff's letter [ECF No. 205], Plaintiff's Request [ECF NO. 206], Plaintiff's Motion for Evidentiary Hearing [ECF No. 207], Plaintiff's Supplement [ECF No. 208], Plaintiff's Supplement Amendment [ECF No. 209] and Plaintiff's letter [ECF 210] are hereby **STRICKEN**. It is

FURTHER ORDERED that the clerk's office is **DIRECTED** to **NOT** accept any further filings in this case consistent with the Court's prior Orders [ECF No. 177, 185 & 190].

Dated: September 1, 2010

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Chief United States District Judge