

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 07-cv-00663-LTB-KMT

MICHAEL WHITINGTON,

Plaintiff,

v.

LT. STEINBECK,  
CAPT. BUTLER and Limon's IWLP Supervisor,  
WARDEN ESTEP,  
CAPT. MICHAELS,  
THOMAS BULLARD,  
WILLIAM ZALMAN,  
JOE ORTIZ, in his individual capacity, and  
CHERYL SMITH,

Defendants.

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**ORDER**

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This case is before me on the recommendation of the Magistrate Judge that Plaintiff's Motion to Amend the Plaintiff's Complaint (Doc 131 - filed November 30, 2009) be denied. The recommendation was issued and served on December 30, 2009. Plaintiff filed timely written objections to the recommendation on January 20, 2010. Although the standard of review under Fed.R.Civ.P. 72 may well be whether the Magistrate Judge's recommendation was clearly erroneous or contrary to law, I nevertheless will consider the recommendation *de novo* in light of the file and record in this case. On *de novo* review, I conclude that the recommendation is correct. Accordingly

IT IS ORDERED that Plaintiff's Motion to Amend the Plaintiff's Complaint (Doc 131) is DENIED.

BY THE COURT:

s/Lewis T. Babcock  
Lewis T. Babcock, Judge

DATED: January 21, 2010