

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 07-cv-02303-REB-KLM

MARK JORDAN,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF JUSTICE, and
FEDERAL BUREAU OF PRISONS,

Defendants.

**ORDER ADOPTING RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matters before me are (1) the **Recommendation of United States Magistrate Judge** [#74], filed August 14, 2009; and (2) defendants' **Motion for Summary Judgment and Supporting Brief** [#53], filed November 17, 2008. No objections having been timely filed to the recommendation, I review it only for plain error. *See Morales-Fernandez v. Immigration & Naturalization Service*, 418 F.3d 1116, 1122 (10th Cir. 2005).¹ Finding no such error in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.

THEREFORE, IT IS ORDERED as follows:

¹ This standard pertains even though plaintiff is proceeding *pro se* in this matter. *Morales-Fernandez*, 418 F.3d at 1122.

1. That the **Recommendation of United States Magistrate Judge** [#74], filed August 14, 2009, is **APPROVED AND ADOPTED** as an order of this court;

2. That defendants' **Motion for Summary Judgment and Supporting Brief** [#53], filed November 17, 2008, is **GRANTED IN PART** and **DENIED WITHOUT PREJUDICE IN PART**:

a. That the motion is **DENIED WITHOUT PREJUDICE** with respect to the adequacy of the search by the Board of Prisons for records responsive to Claim II; and

b. That the motion is in all other respects **GRANTED**; and

3. That the dispositive motions deadline is **EXTENDED** to **Monday, October 5, 2009**; provided furthermore:

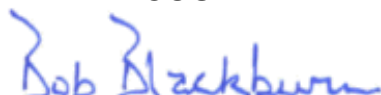
a. That defendants are prospectively granted an exemption from the operation of REB Civ. Practice Standard III.B.1., and may file a supplemental summary judgment brief (not to exceed 15 pages) and supporting documentation addressing the adequacy of their search for records responsive to Claim II;

b. That plaintiff may file a response (not to exceed 15 pages) in the time permitted by D.C.COLO.LCivR 7.1C ; and

c. That defendant may file a reply (not to exceed 10 pages) in the time permitted by D.C.COLO.LCivR 7.1C.

Dated September 8, 2009, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge