

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Case No. 07-cv-02483-LTB-KLM

OMAR REZAQ,  
Plaintiff,

v.

MICHAEL NALLEY,  
RON WILEY,  
MICHAEL MUKASEY, and  
FEDERAL BUREAU OF PRISONS,  
Defendants.

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**ORDER**

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This case is before me on the Recommendation of the Magistrate Judge that Defendants' Motion for Summary Judgment (Doc 112) and Supplement (Doc 147) be granted and summary judgment be entered in favor of Defendants. Plaintiff, through counsel, has filed timely specific written objections to the Recommendation and requests oral argument. Defendants have filed their response to the Plaintiff's objections and Plaintiff has filed his reply to the objections. In addition, Plaintiff has filed his Motion for Leave to Supplement Objections to the Recommendation of the Magistrate Judge (Doc 160) and the Defendants have filed their response to that motion indicating no objection to it. Plaintiff has also filed his Notice of Substitution of Exhibit 1 to the Plaintiff's Motion for Leave to Supplement Objections to the Recommendation of the Magistrate Judge. Finally, Defendants have filed their status report reflecting that on October 26, 2010, the Bureau of Prisons transferred the Plaintiff out of the United States Penitentiary Administrative Maximum in Florence, Colorado, to the United States Penitentiary, Marion, Illinois, and that

Plaintiff was housed in the Administrative Maximum Step-Down Program housing units from September 29, 2009 to October 26, 2010.

I will grant the Motion for Leave to Supplement Objections (Doc 160) and consider the substitution of Exhibit 1 to Plaintiff's Motion for Leave to Supplement Objections to the Recommendation of the Magistrate Judge (Doc 165).

I must consider the objections *de novo* in light of the file and record in this case. Oral argument will not materially assist in this review. On *de novo* review, I conclude that the recommendation is correct. Accordingly

IT IS ORDERED that the Defendants' Motion for Summary Judgment (Doc 112) and Supplement (Doc 147) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to Supplement Objections to the Recommendation of the Magistrate Judge (Doc 160) is GRANTED.

IT IS FURTHER ORDERED that the above action is DISMISSED.

BY THE COURT:

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

DATED: December 14, 2010