

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

Civil Case No. 07-cv-02603-REB-KLM

NORBERTO PEREZ AROCHO,

Plaintiff,

v.

S. NAFZINGER, Clinical Director, and
HARLEY LAPPIN, Federal Bureau of Prison - Director,

Defendants.

**ORDER OVERRULING OBJECTION TO ORDER
OF THE UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matter before me is plaintiff's **Motion - Statement To Reconsider Appoint of Counsel** [#209] filed October 7, 2010, which objects to the magistrate judge's **Order** [#208], filed September 15, 2010, granting in part and denying in part plaintiff's **Motion Requesting Counsel** [#206] filed September 13, 2010. I overrule plaintiff's objections and deny the motion to reconsider.

Plaintiffs' objections pertain to non-dispositive matters that were referred to the magistrate judge for resolution. Under 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(a), I may modify or set aside any portion of a magistrate judge's order which I find to be clearly erroneous or contrary to law. Moreover, because plaintiff is proceeding *pro se*, I have reviewed her motion more liberally than pleadings or papers filed by attorneys. **See, e.g., Erickson v. Pardus**, 551 U.S. 89, 94, 127 S.Ct. 2197, 2200, 167 L.Ed.2d 1081 (2007); **Haines v. Kerner**, 404 U.S. 519, 520-21, 92 S.Ct. 594, 596, 30 L.Ed.2d


652 (1972); **Andrews v. Heaton**, 483 F.3d 1070, 1076 (10th Cir. 2007); **Hall v. Bellmon**, 935 F.2d 1106, 1110 (10th Cir. 1991).

Having reviewed the magistrate judge's order and the apposite motion, I conclude that the magistrate judge's order is not clearly erroneous or contrary to law. Similarly, I find no basis for granting a motion to reconsider the magistrate judge's order. "Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice. Thus, a motion for reconsideration is appropriate where the court has misapprehended the facts, a party's position, or the controlling law." **See Servants of the Paraclete v. Does**, 204 F.3d 1005, 1012 (10th Cir. 2000). None of these circumstances pertains here.

THEREFORE, IT IS ORDERED that the objections set forth in plaintiff's **Motion - Statement To Reconsider Appoint of Counsel** [#209] filed October 7, 2010, are **OVERRULED**.

Dated November 4, 2010, 2009, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge