

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

Civil Case No. 08-cv-01479-REB-MJW

WILLIAM J. HUNSAKER, JR.,

Plaintiff,

v.

JAMES JIMERSON,
MICHELLE NYCZ
ELIZABETH LIMBRIS,
CATHIE HOLST,
KEVIN MILYARD, individually and their official capacities as agents and employees of
the Sterling Correctional Facility, and
ARISTEDES ZAVARAS, individually and in his official capacity as Executive Director of
the Colorado Department of Corrections,

Defendants.

**OVERRULING OBJECTION TO AND ADOPTING AMENDED
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matters before me are (1) the magistrate judge's **Recommendation on Plaintiff's Verified Motion for Temporary Restraining Order and for Preliminary Injunction (Docket No. 55)** [#64],¹ filed July 27, 2010; and (2) **Plaintiff's Objection to Recommendation on Plaintiff's Verified Motion for Temporary Restraining Order and for Preliminary Injunction** [#66], filed August 11, 2010. I overrule the objection, adopt the recommendation, and deny plaintiff's verified motion for temporary restraining order and preliminary injunction.

¹ "[#64]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

As required by 28 U.S.C. § 636(b), I have reviewed *de novo* all portions of the recommendation to which objections have been filed, and have considered carefully the recommendation, objections, and applicable caselaw. Moreover, because plaintiff is proceeding *pro se*, I have construed his pleadings more liberally and held them to a less stringent standard than formal pleadings drafted by lawyers. **See Erickson v. Pardus**, 551 U.S. 89, 94, 127 S. Ct. 2197, 2200, 167 L.Ed.2d 1081 (2007); **Andrews v. Heaton**, 483 F.3d 1070, 1076 (10th Cir. 2007); **Hall v. Belmon**, 935 F.2d 1106, 1110 (10th Cir. 1991) (citing **Haines v. Kerner**, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652 (1972)). The recommendation is detailed and well-reasoned. Contrastingly, plaintiff's objections are imponderous and without merit.²

Therefore, I find and conclude that the arguments advanced, authorities cited, and findings of fact, conclusions of law, and recommendation proposed by the magistrate judge should be approved and adopted.

THEREFORE, IT IS ORDERED as follows:

1. That the magistrate judge's **Recommendation on Plaintiff's Verified Motion for Temporary Restraining Order and for Preliminary Injunction (Docket No. 55)** [#64], filed July 27, 2010, is **APPROVED AND ADOPTED** as an order of this court;
2. That the objections stated in **Plaintiff's Objection to Recommendation on Plaintiff's Verified Motion for Temporary Restraining Order and for Preliminary**

² Plaintiff's complaint that the recommendation should be rejected because it was issued prior to the deadline for plaintiff's reply also is without merit. **See D.C.COLO.LCivR 7.1C.** ("Nothing in this rule precludes a judicial officer from ruling on a motion at any time after it is filed."). Moreover, having reviewed plaintiff's reply, I find nothing therein that would alter materially the well-supported findings and conclusions of the magistrate judge.

Injunction [#66], filed August 11, 2010, are **OVERRULED**; and

3. That plaintiff's **Verified Motion for Temporary Restraining Order and for**

Preliminary Injunction [#55], filed July 9, 2010, is **DENIED**.

Dated August 20, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge