

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

Civil Case No. 08-cv-01863-REB-MEH

DENNIS MAYO,

Applicant,

v.

J. M. WILNER, Warden, FCI - Florence,

Respondent.

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**ORDER OVERRULING OBJECTIONS TO AND ADOPTING  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

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**Blackburn, J.**

The matters before me are (1) the magistrate judge's **Recommendation on Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** [#19] filed April 13, 2009; and (2) applicant's **Objections to Recommendations** (sic) **on Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** [#20] filed April 21, 2009. I overrule the objections, adopt the recommendation, and deny the application for a writ of habeas corpus.

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. 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, —, 127 S.Ct. 2197, 2200, 167 L.Ed.2d 1081 (2007); ***Andrews v. Heaton***, 483 F.3d

1070, 1076 (10<sup>th</sup> Cir. 2007); **Hall v. Belmon**, 935 F.2d 1106, 1110 (10<sup>th</sup> 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.

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 Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** [#19] filed April 13, 2009, is

**APPROVED** and **ADOPTED** as an order of this court;

2. That the objections stated in the applicant's **Objections to Recommendations** (sic) **on Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** [#20] filed April 21, 2009, are **OVERRULED**;

3. That the **Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** [#3] filed August 29, 2008, is **DENIED**;

4. That Claim One and Claim Two of the application for writ of habeas corpus are **DISMISSED WITH PREJUDICE**;

5. That Claim Three of the application for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE** pursuant to the prior **Order To Dismiss in Part and To Draw Case to a District Judge and to a Magistrate Judge** [#14] filed December 3, 2008;

6. That judgment **SHALL ENTER** on behalf of respondent, J.M. Wilner, Warden,

FCI-Florence, and against plaintiff, Dennis Mayo, as to Claim One and Claim Two of the application for writ of habeas corpus; and

7. That respondent is **AWARDED** his costs, to be taxed by the Clerk of the Court pursuant to Fed.R.Civ.P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated May 28, 2009, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge