

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

Civil Case No. 08-cv-02209-REB-MJW

TROY A. SHORT,

Plaintiff,

v.

CAPTAIN A. J. TRUJILLO,
LIEUTENANT CORY BURKET, and
LIEUTENANT JAMES MAESTAS,

Defendants.

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

Blackburn, J.

The matters before me are (1) the magistrate judge's **Recommendation on Plaintiff's Motion for a Temporary Restraining Order (Docket No. 20)** [#43] filed January 23, 2009; and (2) **Plaintiff's Objection to Recommendation on Plaintiff's Motion for a Temporary Restraining Order** [#47] filed January 30, 2009. I overrule the objection, adopt the recommendation, and deny plaintiff's motion for a temporary restraining 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. In addition, 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 (10th Cir. 2007); **Hall v. Belmon**, 935 F.2d 1106, 1110 (10th Cir. 1991) (citing **Haines v. Kerner**, 404 U.S. 519, 520-21 (1972)). The recommendation is detailed and well-reasoned. Contrastingly, plaintiff's objections are imponderous and without merit.¹

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 Motion for a Temporary Restraining Order (Docket No. 20) [#43]** filed January 23, 2009, is **APPROVED AND ADOPTED** as an order of this court;

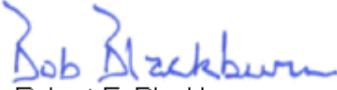
2. That the objections stated in **Plaintiff's Objection to Recommendation on Plaintiff's Motion for a Temporary Restraining Order [#47]** filed January 30, 2009, are **OVERRULED**; and

¹ Plaintiff's objections include arguments suggesting that counsel should be appointed to assist him in the prosecution of this case. This argument is not properly presented as part of plaintiff's objections to the magistrate judge's recommendation on plaintiff's motion for temporary restraining order. **See D.C.COLO.LCivR 7.1C** ("A Motion shall not be included in a response to reply to the original motion. A motion shall be made in a separate paper."). Moreover, the magistrate judge has already denied plaintiff's request to appoint counsel (**see Minute Order [#44]** entered January 23, 2009), and plaintiff presents nothing that would cause me to reconsider the wisdom of that order.

3. That plaintiff's motion for a temporary restraining order contained in his **Emergency (sic) Declaration of Plaintiff of November 18th 2008** [#20] filed December 1, 2008, is **DENIED**.

Dated February 24, 2009, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge