

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02615-BNB

RUDY STANKO, individually, and on behalf of similarly situated prisoners,

Applicant,

v.

BLAKE DAVIS, Local Director/Warden,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 08 2009

GREGORY C. LANGHAM
CLERK

ORDER OVERRULING OBJECTION

This matter is before the Court on the documents titled "Judicial Notice for an Article III Judge" and "Notice of Appeal and Objection to the Magistrate's Order Dated 12/17/08" submitted to the Court *pro se* on December 24 and 30, 2008, respectively by Applicant, Rudy Stanko. In the documents, Mr. Stanko objects to Magistrate Judge Boyd N. Boland's December 17, 2008, order directing Respondents to file a preliminary response.

The Court will construe the documents liberally as an objection filed pursuant to 28 U.S.C. § 636(b)(1)(A). For the reasons stated below, the objection will be overruled.

Pursuant to 28 U.S.C. § 636(b)(1)(A), a judge may reconsider any pretrial matter designated to a magistrate judge to hear and determine where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law. The Court concludes that Magistrate Judge Boland's December 17, 2008, order is neither clearly erroneous nor contrary to law. Therefore, Mr. Stanko's liberally construed objection will be overruled. Accordingly, it is

ORDERED that the documents titled "Judicial Notice for an Article III Judge" and "Notice of Appeal and Objection to the Magistrate's Order Dated 12/17/08" submitted to the Court *pro se* on December 24 and 30, 2008, respectively by Applicant, Rudy Stanko, are construed liberally as an objection filed pursuant to 28 U.S.C. § 636 (b)(1)(A), and the objection is overruled. It is

FURTHER ORDERED that Applicant continues to have **twenty (20) days after the filing of the preliminary response** in which to file a reply.

DATED at Denver, Colorado, this 7 day of Jan, 2009.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge
United States District Court

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CERTIFICATE OF MAILING

Civil Action No. 08-cv-02615-BNB

Rudy Stanko
Reg. No. 18259-013
FCI - Englewood
9595 W. Quincy Ave.
Littleton, CO 80123

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 1/8/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk