

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02821-BNB

ROBERT R. ROGERS,

Plaintiff,

v.

ARISTEDES ZAVARES, Executive Director Colorado Dept. of Corrections,
TANIA GARCIA, T.C. Program Manager,
TEGAN HAACK, CACIII, T.C. Program,
ART DUCHARME, CAC III, Therapist, T.C. Program, and
STACY GORDON, DOC CCI Greenhouse Employee,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 13 2009

GREGORY C. LANGHAM
CLERK

ORDER DENYING MOTION TO RECONSIDER

Plaintiff has filed *pro se* on February 9, 2009, "Plaintiff's Appeal, Objection and Request to Reconsider Order of January 23, 2009, Denying Plaintiff's Temporary Restraining Order, Preliminary Injunction and Emergency Protection Order." Plaintiff asks the Court to reconsider the Court's Order entered and filed in this action on January 23, 2009, denying two motions filed by Plaintiff in which he sought either a preliminary injunction or a temporary restraining order. The Court must construe the motion to reconsider liberally because Plaintiff is not represented by an attorney. **See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).** For the reasons stated below, the motion to reconsider will be denied.


The Court has considered the motion to reconsider and the file in this action and finds no reason to reconsider the Court's order denying Plaintiff's motions for a preliminary injunction or a temporary restraining order. The Court denied the motions

for a preliminary injunction or a temporary restraining order because Plaintiff's allegations in support of those motions related to actions by individuals who are not parties to this action. Plaintiff still fails in the motion to reconsider to set forth specific factual allegations that demonstrate the named Defendants are acting with or directing any other individuals at the prison in which Plaintiff currently is incarcerated to threaten, harass, or assault him. Therefore, the motion to reconsider will be denied. Accordingly, it is

ORDERED that "Plaintiff's Appeal, Objection and Request to Reconsider Order of January 23, 2009, Denying Plaintiff's Temporary Restraining Order, Preliminary Injunction and Emergency Protection Order" filed on February 9, 2009, is denied.

DATED at Denver, Colorado, this 13 day of Feb., 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-02821-BNB

Robert R. Rogers
Reg No. 60905
Arkansas Valley Corr. Facility
PO Box 1000
Crowley, CO 81034

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 2/13/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk