

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00324-BNB

JEFF SWEESY,

Applicant,

v.

MARIO MORENO, Chief Probation Officer,  
ANNE SCHAUDER, U.S. Probation Officer for the District of Arizona, and  
H. QUAY, Acting Warden – FCI Englewood,

Respondents.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

**MAR 05 2009**

**GREGORY C. LANGHAM**  
CLERK

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ORDER

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Applicant has filed *pro se* on February 25, 2009, a document titled "Appeal of Magistrate[']s Order" in which he objects to an order signed by Magistrate Judge Boyd N. Boland on February 11, 2009, and filed in this action on February 17, 2009. Magistrate Judge Boland reviewed the documents filed by Applicant and determined that Applicant must cure a deficiency if he wishes to pursue his claims in this action. More specifically, Magistrate Judge Boland ordered Applicant to file his motion seeking leave to proceed *in forma pauperis* on the court-approved form. Although his specific objections are not entirely clear, Applicant apparently believes that he should not be required to use the court-approved form to file a motion seeking leave to proceed *in forma pauperis*. For the reasons stated below, the objections 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 has reviewed the file and finds that Magistrate Judge Boland's order filed on February 17 is not clearly erroneous or contrary to law. The Court's local rules require *pro se* prisoners to "use the forms established by this court to file an action."

D.C.COLO.LCivR 8.2A. Therefore, the objections will be overruled. Accordingly, it is

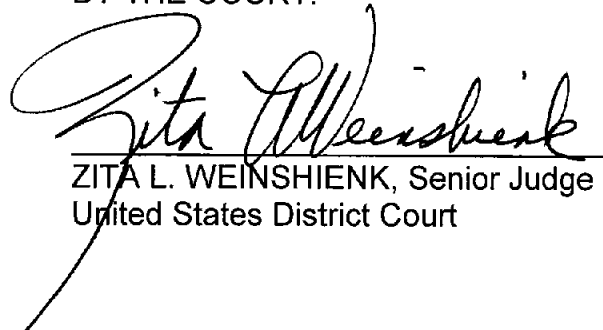
ORDERED that Applicant's "Appeal of Magistrate['] Order" filed on February 25, 2009, which the Court has construed as objections to Magistrate Judge Boyd N.

Boland's order filed in this action on February 17, 2009, are overruled. It is

FURTHER ORDERED that Applicant shall have **thirty (30) days from the date of this order** to cure the deficiency if he wishes to pursue his claims in this action.

DATED at Denver, Colorado, this 5 day of March, 2009.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge  
United States District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-00324-BNB

Jeff Sweesy  
Reg No. 10777-073  
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 3/5/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk