

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00326-CMA-CBS

ROBERT SCHWARTZ,
Petitioner,

v.

PAMELA PLOUGHE,
Respondent.

ORDER

Magistrate Judge Craig B. Shaffer

This civil action comes before the court on Mr. Schwartz' "Request for Release from Incarceration" (filed August 12, 2009) (doc. # 19) (docketed by the Clerk of the Court as "Motion for Order to be Released from Incarceration"). Pursuant to the Order of Reference dated April 23, 2009 (doc. # 12) and the memorandum dated August 13, 2009 (doc. # 20), this matter was referred to the Magistrate Judge. The court has reviewed Mr. Schwartz' request, the entire case file, and the applicable law and is sufficiently advised in the premises.

Mr. Schwartz seeks immediate release from incarceration based on his assertion that "Respondent has defaulted and not responded" to the court's April 21, 2009 Order directing a response on or before May 4, 2009. In fact, Respondent filed her Response on May 1, 2009 and, after obtaining an extension of time, Mr. Schwatrz filed his reply to that Response on June 25, 2009. (See docs. # 13, # 14, # 17, and # 18). Accordingly,

IT IS ORDERED that Mr. Schwartz' "Request for Release from Incarceration" (filed August 12, 2009) (doc. # 19) (docketed by the Clerk of the Court as "Motion for Order to be Released from Incarceration") is DENIED.

Dated at Denver, Colorado this 14th day of August, 2009.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge