

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01171-BNB

J. BRENT LIEDTKE,

Applicant,

v.

R. WILEY, Warden FPC Florence,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
JUL 15 2009
GREGORY C. LANGHAM
CLERK

ORDER OVERRULING OBJECTION

This matter is before the Court on the document titled "Motion to Vacate Order Directing Applicant to File Amended Pleading and Motion to Issue a Writ of Habeas Corpus" that Applicant, J. Brent Liedtke, submitted to the Court *pro se* on June 30, 2009. In the document, Mr. Liedtke objects to Magistrate Judge Boyd N. Boland's June 10, 2009, order construing his 28 U.S.C. § 2241 application as a complaint pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and directing Mr. Liedtke to submit within thirty days a Prisoner Complaint and either the balance due on the filing fee in the amount of \$345.00 or a properly supported Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915.

The Court will construe the document 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. In the June 10,

2009, order for an amended pleading, Magistrate Judge Boland noted that Mr. Liedtke is not challenging the validity of his conviction or the execution of his sentence. Instead, he challenges the conditions of his confinement. Specifically, Mr. Liedtke complains that he has been removed from the general prison population and placed in special housing without notice. He also complains that he is being denied law library access.

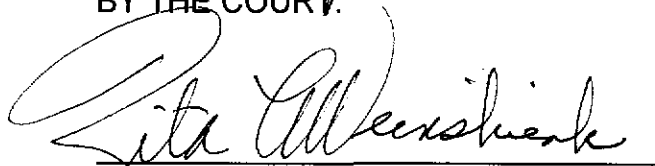
The Court concludes that Magistrate Judge Boland's June 10, 2009, order is neither clearly erroneous nor contrary to law, whether or not the Court disregards Mr. Liedtke's access-to-the-courts claims as he requests. **See** motion to vacate at 11. Therefore, Mr. Liedtke's liberally construed objection will be overruled. Accordingly, it is

ORDERED that the document titled "Motion to Vacate Order Directing Applicant to File Amended Pleading and Motion to Issue a Writ of Habeas Corpus" that Applicant, J. Brent Liedtke, submitted to the Court *pro se* on June 30, 2009," is 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 **thirty (30) days from the date of the June 10, 2009, order** in which to cure the designated deficiencies. Failure to do so within the time allowed will result in the dismissal of the instant action.

DATED at Denver, Colorado, this 14 day of July, 2009.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

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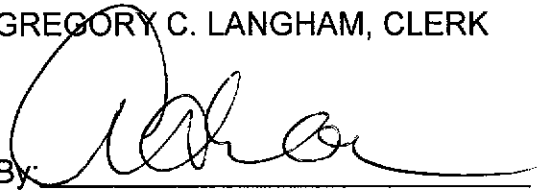
CERTIFICATE OF MAILING

Civil Action No. 09-cv-01171-BNB

J. Brent Liedtke
Reg No. 83237-079
FCI
P.O. Box 6000
Florence, CO 81226-6000

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 7/15/09

GREGORY C. LANGHAM, CLERK

By: 
Deputy Clerk