

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Chief Judge Wiley Y. Daniel**

Civil Action No. 09-cv-01827-WYD-MEH

ROBERT HILLS,

Plaintiff,

v.

UNITED STATES;

MR. SMITH, Asst. Health Admin., official, individual capacities;

MR. DAVID ALLRED, Medical, official, individual capacities;

DR. DANIEL SVERN, Psychiatrist/Medical, official, individual capacities; and

NONA GLADBACH, P.A., official, individual capacities,

Defendants.

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**ORDER ADOPTING AND AFFIRMING MAGISTRATE JUDGE'S ORDER**

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This matter is before the Court on Plaintiff's *pro se* "Notice of Objection to Order by Magistrate Judge Honorable M. Hegarty, dated October 13, 2009," filed October 26, 2009 [#59]. This matter was referred to Magistrate Judge Hegarty by a general Order of Reference on October 8, 2009 [#34]. On October 13, 2009, Magistrate Judge Hegarty entered a Minute Order setting a Preliminary Scheduling/Status Conference for January 7, 2010, and stating that "No discovery shall be submitted until after the preliminary scheduling/status conference." The Minute Order is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(A), Fed. R. Civ. P. 72(a), D.C.COLO.LCivR. 72.1(C)(1). Plaintiff objects to the Minute Order and states "I seek to present evidence now, while I am mentally able." Since Plaintiff filed a timely Objection, I must review the magistrate

judge's Order to determine whether it is "clearly erroneous or contrary to law" since the nature of the matter is nondispositive. Fed. R. Civ. P. 72(a). "An order is clearly erroneous when the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *Cook v. Rockwell Int'l Corp.*, 147 F.R.D. 237, 242 (D. Colo. 1993). Upon review of the October 13, 2009, Minute Order and the file in this matter, I find that the Minute Order is not clearly erroneous or contrary to law. Therefore, it is hereby

ORDERED that the Minute Order of October 13, 2009 [#37] is **AFFIRMED and ADOPTED**, and Plaintiff's "Notice of Objection," filed October 26, 2009 [#59] is **OVERRULED**.

Dated: November 13, 2009

BY THE COURT:

s/ Wiley Y. Daniel  
Wiley Y. Daniel  
U. S. District Judge