

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

Civil Action No. 09-cv-02267-WYD-BNB

MATTIE GUFFIE,

Plaintiff,

v.

DENVER PUBLIC SCHOOL[S],

Defendant.

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

This matter is before the Court on Plaintiff's letter filed November 4, 2009 [#16] in which she objects to Magistrate Judge Boland's Order denying her Motion to Appoint Counsel, filed October 13, 2009 [#10]. This matter was referred to Magistrate Judge Boland and he issued an Order on October 22, 2009 [#13], which 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). In the Order, Magistrate Judge Boland states that Plaintiff's Complaint adequately presents her claims, the factual and legal issues therein are not complex, and that "the allegations of the Complaint do not convince me that the Plaintiff's chances of succeeding on the merits are strong." Magistrate Judge Boland continued stating "Although the Plaintiff has provided proof of indigence to the Court, she has not shown and diligence in attempting to secure counsel on her own."

I will construe Plaintiff's November 4, 2009, as an Objection to Magistrate Judge Boland's Order and will review the 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 Letter, the Order and the file herein, I conclude that Magistrate Judge Boland's Order was not erroneous or contrary to law. Therefore, it is hereby

ORDERED that the Order of the United States Magistrate Judge Boland, dated October 22, 2009 [#13], is **AFFIRMED and ADOPTED**, and Plaintiff's Letter/Objection, filed November 4, 2009 [#16] is **OVERRULED**.

Dated: November 13, 2009

BY THE COURT:

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