

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02549-BNB

EUGENE H. MATHISON,

Applicant,

v.

BLAKE R. DAVIS, Warden,

Respondent.

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

DEC 11 2009

GREGORY C. LANGHAM  
CLERK

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ORDER OVERRULING OBJECTION

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This matter is before the Court on the *ex parte* letter to Chief Judge Wiley Y. Daniel that Applicant, Eugene H. Mathison, submitted to and filed with the Court *pro se* on November 10, 2009. In the document, Mr. Mathison objects to Magistrate Judge Boyd N. Boland's November 3, 2009, order directing Respondents to file a preliminary response in this case.

The Court will construe the letter 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. The Court concludes that Magistrate Judge Boland's November 3, 2009, order is neither clearly erroneous nor contrary to law. Therefore, Mr. Mathison's liberally construed objection will be overruled. Accordingly, it is

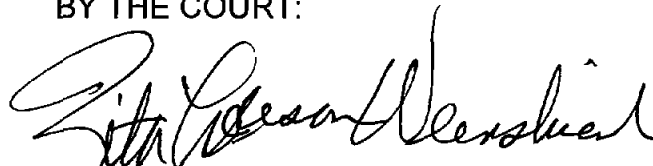
ORDERED that the *ex parte* letter to Chief Judge Wiley Y. Daniel that Applicant,

Eugene H. Mathison, submitted to and filed with the Court *pro se* on November 10, 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 Mr. Mathison is reminded that Rule 77.2 of the Local Rules of Practice of the United States District Court for the District of Colorado – Civil concerning *ex parte* communications forbids him from sending “letters, pleadings, or other papers or copies directly to a judicial officer. Unless otherwise instructed, all matters to be called to a judicial officer’s attention shall be submitted through the clerk, with copies served on all other parties or their attorneys.”

DATED at Denver, Colorado, this 11 day of Dec., 2009.

BY THE COURT:



ZITA LEESON 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-02549-BNB

Eugene H. Mathison  
Reg No. 07835-073  
Federal Prison Camp  
P.O. Box 5000  
Florence, CO 81226-5000

William Pharo  
Assistant United States Attorney  
**DELIVERED ELECTRONICALLY**

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 2/11/09

GREGORY C. LANGHAM, CLERK

By 

Deputy Clerk