

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02633-BNB

GERRY DALE ROADCAP,

Applicant,

v.

WARDEN KEVIN MILYARD, and
THE ATTORNEY GENERAL OF THE STATE OF [COLORADO], JOHN W. SUTHERS,

Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

DEC 16 2009

GREGORY C. LANGHAM
CLERK

ORDER OVERRULING OBJECTION

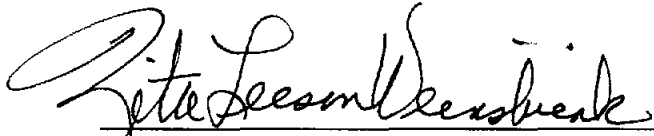
This matter is before the Court on Applicant's "Objection to Extension of Time to File Pre-Answer," filed with the Court *pro se* on December 8, 2009. In the document, Mr. Roadcap objects to Magistrate Judge Boyd N. Boland's December 3, 2009, minute order granting Respondents' motion for enlargement of time in which to file a pre-answer response. 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 December 3, 2009, minute order is neither clearly erroneous nor contrary to law. Therefore, Mr. Roadcap's objection will be overruled. Accordingly, it is

ORDERED that Applicant's "Objection to Extension of Time to File Pre-Answer,"
filed on December 8, 2009, is overruled.

DATED at Denver, Colorado, this 16 day of December, 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-02633-BNB

Gerry D. Roadcap
Prisoner No. 107744
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

John J. Fuerst
Senior Assistant Attorney General
DELIVERED ELECTRONICALLY

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 12/16/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk