

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00755-BNB

STEVE APODACA,

Plaintiff,

v.

ARISTEDES W. ZAVARAS, Executive Director of CDOC,
SUSAN JONES, CDOC Warden, CSP,
WILLIAM CLASPELL, Investigator for Inspector General's Office, CDOC,
DR. PEGGY STEELE, CDOC Mental Health Therapist,
DR. JOSEPH W. WRIGHT, CDOC Medical Doctor,
DR. JAMES MICHAUD, Chief of Mental Health, CODC, and
JAMES A. OLSON, Case Manager III, CDOC,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 05 2010

GREGORY C. LANGHAM
CLERK

ORDER OVERRULING OBJECTION

This matter is before the Court on the document titled "Request for Reconsideration of This Court's Order of April 21, 2010 Denying Plaintiff's Motion for Appointment of Counsel as Premature; and Plaintiff's Request To Have District Court Judge Hear His Civil Action and Not Magistrate Judge" submitted by Plaintiff, Steve Apodaca, on May 3, 2010. In the document, Mr. Apodaca objects to Magistrate Judge Boyd N. Boland's order of April 21, 2010, denying his motion for appointment of counsel as premature. Apparently, the denial of that motion for appointment of counsel is the reason Mr. Apodaca believes that Magistrate Judge Boland is "already against him." See request to reconsider (docket no. 9) at 2.

The Court will construe the request 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 May 21 order is neither clearly erroneous nor contrary to law. Therefore, Mr. Apodaca's objection, construed liberally, will be overruled. Accordingly, it is

ORDERED that the document titled "Request for Reconsideration of This Court's Order of April 21, 2010 Denying Plaintiff's Motion for Appointment of Counsel as Premature; and Plaintiff's Request To Have District Court Judge Hear His Civil Action and Not Magistrate Judge" that Plaintiff, Steve Apodaca, submitted to the Court *pro se* on May 3, 2010, is construed liberally as an objection filed pursuant to 28 U.S.C. § 636 (b)(1)(A), and the objection is overruled.

DATED at Denver, Colorado, this 4th day of May, 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge, for
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. 10-cv-00755-BNB

Steve Apodaca
Prisoner No. 50798
Colorado State Penitentiary
P.O. Box 777
Cañon City, CO 81215-0777

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 5/5/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk