

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 10-cv-02050-CMA-KLM

JOSE MEDINA ESCOBAR,

Plaintiff,

v.

MAJOR C. HOLDITCH,  
SERGEANT ROBERTS,  
SERGEANT HALSTEAD,  
SERGEANT P. BINDER,  
C/O CRIDER,  
C/O FERGUSON,  
C/O MARTIN,  
C/O COOPER,  
C/O K. VIALPONDO,  
C/O ARCHULETA,  
C/O A. LOMBARD,  
SERGEANT POOL, and  
LIEUTENANT T. CHAVEZ,

Defendants.

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**ORDER AFFIRMING AND ADOPTING JANUARY 7, 2011 RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

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The above-entitled and numbered civil action was referred to United States Magistrate Judge Kristen L. Mix pursuant to 28 U.S.C. § 636. On January 7, 2011, the Magistrate Judge issued an Order and Recommendation (“Recommendation”), recommending that *pro se* prisoner Plaintiff Jose Medina Escobar’s Motion for Temporary Restraining Order and/or a Preliminary Injunction (Doc. # 21) be denied.

(Doc. #36.) On January 27, 2011, Plaintiff filed a Motion for Court to Furnish Plaintiff with All Legal Pleadings, Orders, etc. Returned to the Court Since December 23, 2010 by This Facility, asserting that between December 24, 2010 and January 19, 2011, all the legal mail addressed to him was returned to the Court without his knowledge. (Doc. # 39). This legal mail included the Magistrate Judge's January 7, 2011 Recommendation. Accordingly, Plaintiff asked the Court to re-send him copies of all documents that were sent to him during that time period. The Motion was referred to Magistrate Judge Mix who, on January 31, 2011, directed the Clerk of Court to re-send all such documents to Plaintiff, despite the fact that no documents had been returned to the Court as undeliverable. (Doc. # 42.) That same day, the Clerk of Court served by mail the January 7, 2011 Recommendation. (Doc. # 43.) On February 15, 2011, Plaintiff filed objections to the Recommendation. (Doc. # 45.) Because Plaintiff filed his objections within seventeen days of Recommendation's service, the Court will deem them timely filed.<sup>1</sup>

The Court has conducted a *de novo* review of this matter, including carefully reviewing all relevant pleadings, the Recommendation, and Plaintiff's objections. Plaintiff merely asserts the same arguments he presented in support of his Motion for Temporary Restraining Order and/or Preliminary Injunction. (Doc. # 21.) Notably, Plaintiff presents only **one** legal argument. (Doc. # 45 at 5) ("Injunctive relief is

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<sup>1</sup> Pursuant to Fed. R. Civ. P. 72, objections must be served and filed within fourteen days after service of a recommendation. Where the recommendation has been served by mail, three additional days are added. Fed. R. Civ. P. 6(d).

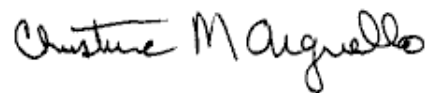
justifiable in cases on the fairly basic rationale that to extend or augment punishment beyond that imposed by a state court is to penalize without due process.”). Moreover, Plaintiff continues to lodge baseless and outlandish allegations of bias and prejudice against the Court, for which the Court has previously admonished Plaintiff in a related matter. (See *Id.* at 4-5; Case No. 06-cv-01222-CMA-KLM, Doc. # 312 at 4, Order Denying Motion to Recuse Magistrate and Trial Judge (“The Court admonishes Plaintiff for his incessant practice of [baselessly] insulting the judiciary and making a mockery of these judicial proceedings. This behavior will no longer be tolerated.”). Based on the Court’s review, the Court has concluded that the Magistrate Judge’s thorough and comprehensive analysis and recommendation is correct.

Accordingly, IT IS ORDERED THAT:

- (1) The January 7, 2011 Order and Recommendation of United States Magistrate Judge (Doc. #36) is AFFIRMED and ADOPTED; and
- (2) Plaintiff’s Motion for Temporary Restraining Order and/or Preliminary Injunction (Doc. #21) is DENIED.

DATED: September 06, 2011

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge