

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02678-BNB

PHILIP D. EFFLAND,

Applicant,

v.

PEOPLE OF THE STATE OF COLORADO, d/b/a PEOPLE OF THE STATE OF
COLORADO,
COLORADO DEPARTMENT OF CORRECTIONS,
ARISTEDES ZAVARAS, Executive Director,
CORRECTIONS CORPORATION OF AMERICA, d/b/a KIT CARSON
CORRECTIONAL CENTER, and
AVRIL CHAPMAN, Warden, Trustee-in-Fiction,

Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

DEC -2 2010

GREGORY C. LANGHAM
CLERK

ORDER OVERRULING OBJECTION

This matter is before the Court on the motion titled "Motion to Object" that Applicant, Philip D. Effland, submitted to and filed with the Court *pro se* on November 12, 2010.

Mr. Effland objects to Magistrate Judge Boyd N. Boland's November 3, 2010, Order to Cure. Therefore, the Court will construe the motion 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 order is neither clearly

erroneous nor contrary to law. Therefore, Mr. Effland's liberally construed objection will be overruled. Accordingly, it is

ORDERED that the motion titled "Motion to Object" that Applicant, Philip D. Effland, submitted to and filed with the Court *pro se* on November 12, 2010, 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. Effland will be allowed **thirty (30) days from the date of this order** in which to cure the deficiencies designated in the November 3 order. Failure to do so within the time allowed will result in the dismissal of the instant action.

DATED at Denver, Colorado, this 1st day of December, 2010.

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

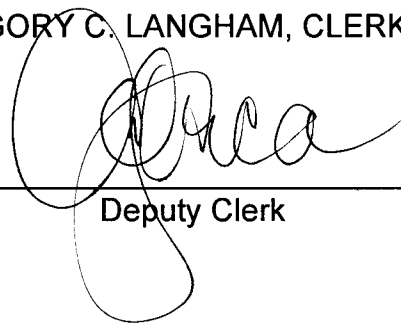
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Philip D. Effland
Prisoner No. 132470
Kit Carson Corr. Center
PO Box 2000
Burlington, CO 80807

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 12/2/10

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk