

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 10-cv-02738-REB-MEH

CURTIS L. LILLY,

Plaintiff,

v.

MR. JASON FASSLER,
MR. ROBERT BEAUMONT,

Defendants.

ORDER

Blackburn, J.

This matter is before me on the plaintiff's **Response and Motion To Object To the Defendants Motion for Leave To File Answer To Plaintiffs Second Amended Complaint Out of Time and for the Request To Appoint Counsel for the Plaintiff as Soon as this Honorable Court Could Provide** [#73]¹ filed May 29, 2012. I deny the motion.

On April 6, 2012, the plaintiff filed his Second Amended Complaint [#68]. On May 16, 2012, the defendants filed a motion [#69] to file their answer to the second amended complaint out of time. The defendants describe in their motion circumstances which caused the deadline for filing an answer to be mis-calendared by counsel for the defendants. On May 17, 2012, the magistrate judge entered an order [#72] granting the

¹ “[#73]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

defendants' motion. The plaintiff's present motion was filed on May 29, 2012. It is not clear if the plaintiff intends his present motion [#73] as a response to the defendants' motion [#69] or as an objection, under FED. R. CIV. P. 72, to the order [#72] of the magistrate judge.

Under D.C.COLO.LCivR 7.1C., the magistrate judge was authorized to rule on the defendants' motion without awaiting a response from the plaintiff. Reading the plaintiffs' present motion [#73] as a response to the defendants' motion [#69], I find that the plaintiff presents no viable challenge to the relief sought by the defendants and granted by the magistrate judge. Nothing in the plaintiff's motion [#73] demonstrates that the plaintiff has suffered any prejudice – let alone irreparable prejudice – as a result of the belated filing of the defendants' answer, and there is no showing of any other valid reason to deny the relief sought by the defendants. Further, the plaintiff does not present an arguable basis for any reconsideration of the ruling by the magistrate judge. ***Servants of the Paraclete v. Does***, 204 F.3d 1005, 1012 (10th Cir. 2000).

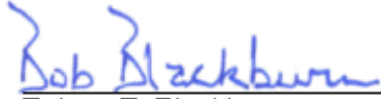
Under 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(a), I may modify or set aside any portion of a magistrate judge's order which I find to be clearly erroneous or contrary to law. Reading the plaintiff's motion as an objection to the order [#72] of the magistrate judge, I conclude there is no basis for an objection. Nothing in the order of the magistrate judge is clearly erroneous or contrary to law.

THEREFORE, IT IS ORDERED that the plaintiff's **Response and Motion To Object To the Defendants Motion for Leave To File Answer To Plaintiffs Second Amended Complaint Out of Time and for the Request To Appoint Counsel for the**

Plaintiff as Soon as this Honorable Court Could Provide [#73] filed May 29, 2012, is
DENIED.

Dated March 6, 2013, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge