

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

Civil Case No. 10-cv-02862-REB-KLM

DEAN CARBAJAL,

Plaintiff,

v.

SEVENTH JUDICIAL DISTRICT, political subdivision of the State of Colorado, et al.,

Defendants.

**ORDER OVERRULING OBJECTIONS TO
ORDER OF THE UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

This matter is before me on the following: (1) **Defendant Myrl Serra's Objection To Magistrate Mix's March 7, 2012 Order** [#301]¹ filed March 21, 2012; (2) the plaintiff's **Contemporaneous Objection to the Courts Order [DOC #297]** [#302] filed March 22, 2012; and (3) the plaintiff's **Motion for Reconsideration and Contemporaneous Objection to the Defendants' Responses to Plaintiffs Contemporaneous Objection [DOC #302] to the Courts Order [DOC #297] Denying Plaintiff's Motion** [#325] filed April 13, 2012. The State Defendants filed a response[#310] to the plaintiff's objection [#302], and the Delta defendants filed a response [#311] to the plaintiff's objection [#302]. The plaintiff filed a reply [#325] to the defendants' responses to the plaintiff's objection [#302]. That reply [#325] also is

¹ "[#301]" 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.

docketed as a motion. I overrule the objections and deny the motions.

The objections concern a non-dispositive matter that was referred to the magistrate judge for resolution. 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.

On March 7, 2012, the magistrate judge entered an order [#297] addressing the plaintiff's motion for sanctions [#266]. The objections concern this order [#297]. The magistrate judge denied the motion as to all defendants except Myrl Serra. The magistrate judge later conducted two evidentiary hearings to resolve the motion for sanctions as to Mr. Serra. After conducting the hearings, the magistrate judge entered an order [#398], filed September 27, 2012, denying the motion for sanctions as to Mr. Serra.

Having reviewed the magistrate judge's orders [#297 & #398], the objections, the responses to the objections, and the other relevant parts of the record, I conclude that the magistrate judge's order [#297] is not clearly erroneous or contrary to law. I conclude further that the plaintiff's motion [#325] properly is read as a reply to the defendants' responses to the plaintiff's objection [#302], and not a new motion requesting a new type of relief. Because this document [#325] was docketed as a motion, I deny the motion as moot.

THEREFORE, IT IS ORDERED as follows:

1. That the objections stated in **Defendant Myrl Serra's Objection To Magistrate Mix's March 7, 2012 Order** [#301] filed March 21, 2012, are **OVERRULED** and **DENIED**;

2. That the objections stated in plaintiff's **Contemporaneous Objection to the**

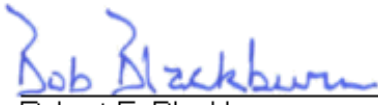
Courts Order [DOC #297] [#302] filed March 22, 2012, are **OVERRULED** and **DENIED**;

3. That the plaintiff's **Motion for Reconsideration and Contemporaneous Objection to the Defendants' Responses to Plaintiffs Contemporaneous Objection [DOC #302] to the Courts Order [DOC #297] Denying Plaintiff's Motion [#325]** filed April 13, 2012, **SHALL BE** read as a reply to the defendants' responses to the plaintiff's objection [#302], and not as a motion; and

4. That to the extent the plaintiff's **Motion for Reconsideration and Contemporaneous Objection to the Defendants' Responses to Plaintiffs Contemporaneous Objection [DOC #302] to the Courts Order [DOC #297] Denying Plaintiff's Motion [#325]** filed April 13, 2012, has been treated as a pending motion on the court's docket, the motion is **DENIED** as moot.

Dated March 6, 2013, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge