

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01073-BNB

LEONARDO RAMOS-HERNANDEZ, also known as
LEONARDO RAMOS, and
ALL PERSONS SIMILARY [sic] SITUATED, AND AS NEXT FRIEND OF ALL MALE
ACTIVE DUTY SERVICEMEN IN THE U.S. NAVY

Plaintiff,

v.

UNITED STATES OF AMERICA,
ANDREW TOMBLEY, an individual,
POINT OF ENTRY SUPERVISOR DOE, an individual,
TWO UNKNOWN CUSTOMS AGENTS, individuals,
DOES 1-50, individuals or corporations,
DOES 1-50, individuals,
POINT AGENT DOE, an individual,
SECONDARY INSPECTION AGENT DOE, an individual,
BIOMETRICS AGENT DOE, an individual,
CHECKPOINT SUPERVISOR DOE, an individual,
DOES 101-150, individuals,
ROSA LOPEZ, an individual,
RYAN STARKEY, an individual,
SSAFO SUPERVISOR DOE, an individual,
DOES 151-200, individuals,
DOES 201-250, individuals,
CDR VELEZ, an individual,
CAPT[.] KEELLY, an individual,
ABECS LOCKWOOD, an individual,
KENNETH ROYALS, an individual,
ALFREDO ZABALA JR., an individual,
M. RAMOS, an individual,
V. MARTÍNEZ,
STONE, an individual,
DOES 251-300, an individual,

Defendants.

ORDER OVERRULING OBJECTION

This matter is before the Court on the document titled “Objection to Magistrate’s Orders Issued November 10th 2011” (ECF No. 26) that Plaintiff, Leonardo Ramos-Hernandez, submitted to and filed with the Court *pro se* on November 28, 2011.

The Court must construe Mr. Ramos-Hernandez’s filings liberally because he is a *pro se* litigant. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). However, the Court should not act as a *pro se* litigant’s advocate. *See Hall*, 935 F.2d at 1110. The Court will construe the objection 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 § 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.

In his motion to reconsider, Mr. Ramos-Hernandez clearly objects to the order of November 10, 2011 (ECF No. 25), granting his motion for an extension of time (ECF No. 20), denying his motion to seal (ECF No. 21), denying his motion to strike (ECF No. 22), directing him to file within thirty days a second and final amended complaint that complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure, requiring him to use to Court-approved complaint form available at www.cod.uscourts.gov, informing him that the only proper filing in response to the November 10 order was a second and final amended complaint, and warning Mr. Ramos-Hernandez that, if he failed to comply with the November 10 order within the time allowed, the amended complaint and action would be dismissed without further notice.

Magistrate Judge Boyd N. Boland's November 10 order is neither clearly erroneous nor contrary to law. Mr. Ramos-Hernandez's objection will be overruled. By this order, I will correct the typographical error in the caption to and first paragraph of the November 10 order stating that Mr. Ramos-Hernandez filed his original complaint in the name of Leonard Ramos. He filed his original complaint in the name of Leonardo Ramos.

Accordingly, it is

ORDERED that the document titled "Objection to Magistrate's Orders Issued November 10th 2011" (ECF No. 26) that Plaintiff, Leonardo Ramos-Hernandez, submitted to and filed with the Court **pro se** on November 28, 2011, 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. Ramos-Hernandez continues to have **thirty (30) days from the date of the order of November 10, 2011**, in which to submit a second and final amended complaint that complies with the directives of the November 10 order. It is

FURTHER ORDERED that, by this order, the Court corrects the typographical error in the caption to and first paragraph of the order of November 10, 2011, stating that Mr. Ramos-Hernandez filed his original complaint in the name of Leonard Ramos. He filed his original complaint in the name of Leonardo Ramos.

DATED at Denver, Colorado, this 1st day of December, 2011.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK
Senior Judge, United States District Court