

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Case No. 11-cv-02384-WYD-CBS

KEVIN FRANCIS JONES,

Plaintiff,

v.

MARCUS LEHMKUHL;
CITY OF COLORADO SPRINGS, COLORADO;
R.A. YOHN;
AL HARMON;
BRET POOLE; and,
ONE TO TEN UNKNOWN DEFENDANTS TO BE IDENTIFIED THROUGH
DISCOVERY AND TRIAL, sued individually and in their official capacities,

Defendants.

MINUTE ORDER

ORDER ENTERED BY SENIOR JUDGE WILEY Y. DANIEL

THIS MATTER is before the Court on defendants, Marcus Lehmkuhl, City of Colorado Springs, Colorado, R.A. Yohn, and Bret Poole's Motion To Strike Plaintiff's Untimely Objections To The Magistrate Judge's Recommendation Or, In The Alternative, For A 30-Day Extension Of Time To File A Response [ECF No. 93].

On May 9, 2013, *pro se* plaintiff, Kevin Francis Jones, filed what he styled as a Notice Of Appeal [ECF No. 90]. After review of the case file, I construed the motion as a request for an extension of time to file objections to Magistrate Judge Shaffer's Recommendation [ECF No. 89], which was issued on April 26, 2013. On May 16, 2013, I granted Jones's motion and stated that:

Jones shall file any and all objections to Magistrate Judge Shaffer's Recommendation [ECF No. 89] on or before Monday, June 17, 2013. If Jones does not file objections on or before this date, I will proceed to review Magistrate Judge Shaffer's Recommendation [ECF No. 89] as though it is free of objections.

ECF No. 91, p. 2. Thus, I gave Jones an additional 32 days, more than double the standard period for filing objections to a Magistrate Recommendation, to file objections

to Magistrate Judge Shaffer's Recommendation [ECF No. 89].¹ Jones filed his Objections To The Recommendation Of The Magistrate Judge CBS [ECF No. 92] on Tuesday, June 18, 2013. Because Jones's objections were not filed in accordance with the absolute deadline established in my May 16, 2013, Minute Order [ECF No. 91], it is

ORDERED that defendants, Marcus Lehmkuhl, City of Colorado Springs, Colorado, R.A. Yohn, and Bret Poole's Motion To Strike Plaintiff's Untimely Objections To The Magistrate Judge's Recommendation Or, In The Alternative, For A 30-Day Extension Of Time To File A Response [ECF No. 93] is **GRANTED** to the extent they move to strike Jones's Objections To The Recommendation Of The Magistrate Judge CBS [ECF No. 92]. Therefore, it is

FURTHER ORDERED that Jones's Objections To The Recommendation Of The Magistrate Judge CBS [ECF No. 92] are **STRICKEN** from the record.

Dated: July 1, 2013.

¹ The standard time to file objections to a Magistrate Recommendation is 14 days after service of a copy of the Recommendation. See Rule 72(b)(2) of the FEDERAL RULES of CIVIL PROCEDURE ("Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations"); 28 U.S.C. § 636(b)(1)(C) ("Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court").