

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-03363-BNB

RONALD J. NAGIM,

Plaintiff,

v.

SUNCOR ENERGY,

Defendant.

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ORDER OVERRULING OBJECTION

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At issue is the Motion to Appeal that Mr. Nagim, a *pro se* litigant, filed with the Court on January 9, 2012. In the Motion, Mr. Nagim objects to Magistrate Judge Boyd N. Boland's January 4, 2012 Order that instructs him to submit his claims on a Court-approved form used in filing civil complaints and to show cause why he should not be denied leave to proceed pursuant to 28 U.S.C. § 1915.

The Court will construe the Motion liberally as an Objection filed pursuant to 28 U.S.C. § 636(b)(1)(A). Under § 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. For the reasons stated below, the Objection will be overruled.

Mr. Nagim's arguments are convoluted and provide no grounds for finding the January 4, 2012 Order is clearly erroneous or contrary to law. To the extent Mr. Nagim requests that Magistrate Judge Boyd N. Boland recuse himself from this case, Magistrate Judge Boland has addressed this issue and denied Mr. Nagim's request.

This Court agrees with Magistrate Judge Boland that nothing Mr. Nagim asserts in the Objection meets the objective standard for disqualification required pursuant to 28 U.S.C. § 455(a). Magistrate Judge Boland is authorized to conduct the initial review in this case pursuant to D.C.COLO.LCivR 8.1.C.. Mr. Nagim's Objection, therefore, will be overruled. Mr. Nagim is instructed to comply with the January 4 Order or the action will be dismissed for failure to cure the deficiencies and to show cause. Accordingly, it is

ORDERED that Mr. Nagim's Motion to Appeal (Doc. No. 4), filed on January 9, 2012, is construed liberally as an Objection filed pursuant to 28 U.S.C.

§ 636(b)(1)(A) and is overruled. It is

FURTHER ORDERED that Mr. Nagim has **thirty days from the date of this Order** to comply with the January 4, 2012 Order. It is

FURTHER ORDERED that if Mr. Nagim fails to comply with the January 4, 2012 Order, as directed, the action will be dismissed without further notice.

DATED at Denver, Colorado, this 13<sup>th</sup> day of January, 2012.

BY THE COURT:

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