

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

Civil Case No. 12-cv-00063-REB-CBS

BOB ALLEN CUSTARD,

Plaintiff,

v.

DAVID ALLRED,
CLEMENTI,
BENJAMIN BRIESCHKE,
MARK COLLINS,
COOK,
BLAKE DAVIS,
ANDREW FENLON,
FOSTER,
J. JOHNSON,
KELLAR,
RICHARD MADISON,
MARK MUNSON,
T. MANSPEAKER,
ANTHONY OSAGIE,
P. RANGEL,
SMITH,
TENA SUDLOW,
C.A. WILSON,
BUREAU OF PRISONS,
HUDDLESTON,
MITCHELL,
STEVEN ROGERS,
VANAMAN, and
R. WILEY,

Defendants.

**ORDER DENYING AS MOOT PLAINTIFF'S OBJECTIONS
TO MAGISTRATE'S REPORT AND RECOMMENDATION**

Blackburn, J.

The matter before me is **Plaintiff's Objections to Magistrate's Report &**


Recommendation [#206]¹, filed March 4, 2013. These objections pertain to the magistrate judge's recommendation that defendants' motions to dismiss ([#97], filed June 18, 2012, and[#169], filed October 2, 2012, be granted in part and denied in part, and accordingly that various of plaintiff's claims be dismissed. (**See Recommendation of United States Magistrate Judge** [#194], filed February 11, 2013.)

However, shortly after the recommendation was issued, plaintiff filed a notice of voluntary dismissal of his claims (**see Plaintiff's Motion To Dismiss This Action** [#198], filed February 14, 2013), which this court accepted and approved (**see Order of Dismissal** [#203], filed February 22, 2013). As stated in the order, any then-pending motion was denied as moot (*id.* ¶ 2 at 2), which would include the underlying motions to dismiss on which the recommendation was based. Accordingly, plaintiff's objections are moot and will be overruled on that basis.

THEREFORE, IT IS ORDERED that the objections stated in **Plaintiff's Objections to Magistrate's Report & Recommendation** [#206], filed March 4, 2013, are **OVERRULED AS MOOT**.

Dated March 27, 2013, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge

¹ “[#206]” 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.