

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01076-BNB

ERIC ADAMS,

Plaintiff,

v.

UNITED STATES,

Defendant.

ORDER OVERRULING OBJECTION

The matter at issue is the “Motion Pursuant to Fed. R. Civ. P. 54(b) Showing that the Court’s Order of June 15, 2012, Stand in Error” filed on July 5, 2012, by Eric Adams, a federal prisoner housed in the State of Colorado. Mr. Adams challenges Magistrate Judge Boyd N. Boland’s Order dated June 15, 2012, requiring that he file a Second Amended Complaint that names proper parties and that finds that the action more properly is raised under 28 U.S.C. § 1331 and pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

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.

Upon review of Mr. Adams’ Complaint and Amended Complaint, I find no basis for his arguments. Magistrate Judge Boland’s June 15 Order neither is clearly erroneous nor contrary to law. Mr. Adams’ liberally construed Objection, therefore, will

be overruled. Mr. Adams is instructed to comply with the June 15 Order or the action will be dismissed for failure to prosecute. Accordingly, it is

ORDERED that Mr. Adams' Motion Pursuant to Fed. R. Civ. P. 54(b), ECF No. 9 filed on July 5, 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. Adams has **twenty-one days from the date of this Order** to comply with the June 15, 2012 Order. It is

FURTHER ORDERED that if Mr. Adams fails to comply with the June 15, 2012 Order, as directed, the action will be dismissed without further notice.

DATED at Denver, Colorado, this 11th day of July, 2012.

BY THE COURT:

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