

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

Civil Action No. 12-cv-03231-REB-KLM

DEAN CARBAJAL,

Plaintiff,

v.

ANDREW KEEFER, Deputy Sheriff for the Denver Detention Center, in his individual capacity,

Defendant.

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**ORDER OVERRULING OBJECTIONS TO  
NONDISPOSITIVE ORDER OF MAGISTRATE JUDGE**

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**Blackburn, J.**

The matter before me is **Plaintiff's Contemporaneous Objection to the** *[sic]* **Magistrate Kristin Mix's Unfair and Unreasonable Denial of Leave To Join Parties and Amend Pleadings and Motion for Modification of the Scheduling Order Pursuant to Fed. R. Civ. P. 16** [#215],<sup>1</sup> filed May 20, 2014. I overrule the objection.

Plaintiff's objection pertains to non-dispositive matters that were referred to the magistrate judge for resolution. Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(a), I may modify or set aside any portion of a magistrate judge's order which I find to be clearly erroneous or contrary to law.

Having reviewed the magistrate judge's order, I conclude that the order of the magistrate judge is not clearly erroneous or contrary to law. Plaintiff complains that in

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<sup>1</sup> "[#215]" 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.

setting other pretrial deadlines, the magistrate judge nevertheless did not provide for further opportunities to amend the pleadings.

There is nothing clearly erroneous or contrary to law in this conclusion. As the magistrate judge recognized, this case has been pending for some 18 months now. Plaintiff already has been permitted leave to amend his original complaint twice. Plaintiff's objection provides not even a hint that he has additional, potentially viable claims that he has previously been unable to attempt to bring forward in this case. Thus, despite plaintiff's protestations to the contrary, he has been afforded a fair and adequate opportunity to amend and to assert claims in this case. I perceive nothing suggesting that justice requires yet further opportunity for amendment of the pleadings in this matter.

**THEREFORE, IT IS ORDERED** that the objections stated in **Plaintiff's Contemporaneous Objection to the [sic] Magistrate Kristin Mix's Unfair and Unreasonable Denial of Leave To Join Parties and Amend Pleadings and Motion for Modification of the Scheduling Order Pursuant to Fed. R. Civ. P. 16 [#215]**, filed May 20, 2014, are **OVERRULED**.

Dated June 24, 2014, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge