

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01204-BNB

JOHN JOSEPH ROCHE,

Plaintiff,

v.

LINCOLN COLLEGE OF TECHNOLOGY,  
ALLAN SHORT,  
SUE KUHL, and  
STEVEN LASECKE,

Defendants.

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ORDER

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Plaintiff, John Joseph Roche, filed a *pro se* Objection to Extension of Time to Answer on May 31, 2013, that the Court construes as an Objection filed pursuant to 28 U.S.C. § 636. Plaintiff objects to Magistrate Judge Boyd N. Boland's May 30, 2013 Minute Order, ECF No. 11, granting Defendants Lincoln College of Technology and Allan Short an extension of time to file an answer or otherwise to respond. Pursuant to 28 U.S.C. § 636(b)(1)(A) a judge may reconsider any pretrial matter designated to a magistrate judge to hear and determine whether it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.

As Magistrate Judge Boland stated in the May 30 minute order, Defendants complied with Rule 7.1.A of the Local Rules of Practice of the United States District for the District of Colorado in conferring with Plaintiff before filing the Motion for Extension. Furthermore, in the May 8 Order to Cure, Magistrate Judge Boland instructed Plaintiff to state the jurisdiction for his claims in the complaint he is to submit on a Court-approved

form. An answer, therefore, is due only after Plaintiff has asserted the jurisdiction for his claims. Finally, nothing precludes a judicial officer from ruling on a motion at any time after it is filed. See D.C.COLO.LCivR 7.C. The Court finds the May 8 minute order is not erroneous or contrary to law. Accordingly, it is

ORDERED that Plaintiff's construed 28 U.S.C. § 636 Objection, ECF No. 12, filed on May 31, 2013, is overruled.

DATED at Denver, Colorado, this 10<sup>th</sup> day of June, 2013.

BY THE COURT:

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