

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01707-BNB

JOHN BOYD BOWRING,

Plaintiff,

v.

BOBBY BONNER, Warden KCCC/CCA,

Defendant.

ORDER OVERRULING OBJECTION

This matter is before the Court on the objection titled "Objection to BNB Orders of Deficiencies" filed *pro se* on July 8, 2013, by Plaintiff, John Boyd Bowring. Mr. Bowring objects to Magistrate Judge Boyd N. Boland's order of June 28, 2013 (ECF No. 9) directing him to cure certain designated deficiencies. Despite his objections to the contrary, Mr. Bowring is a prisoner in the custody of the Colorado Department of Corrections (DOC) who currently is incarcerated at the Kit Carson Correctional Center.

In the June 28 order, Magistrate Judge Boland explained the deficiencies Mr. Bowring needed to cure if he wished to pursue his claims in this lawsuit, and directed him to the Court's website, www.cod.uscourts.gov, for the Court-approved forms he needed to cure the deficiencies. In his objection, Mr. Bowring disagrees with Magistrate Judge Boland's June 28 order.

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 where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law. The Court has

reviewed the file and finds that Magistrate Judge Boland's order directing Mr. Bowring to cure designated deficiencies in the case is not clearly erroneous or contrary to law.

Given Mr. Bowring's allegation that the prison librarian was unable to locate the proper forms on the Court's website, the clerk of the Court will be directed to mail to Plaintiff the Court-approved form for filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On July 22, 2013, Mr. Bowring filed an amended Prisoner Complaint (ECF No. 13) on the proper form. However, the amended Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 16) he filed on July 22 is not on the proper form.

Accordingly, it is

ORDERED that the objection titled "Objection to BNB Orders of Deficiencies" filed *pro se* on July 8, 2013, by Plaintiff, John Boyd Bowring, is overruled. It is

FURTHER ORDERED that the clerk of the Court is directed to mail to Plaintiff, together with a copy of this order, the Court-approved form for filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. It is

FURTHER ORDERED that Mr. Bowring is directed to use the Court-approved form for filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 to cure the remaining deficiency designated in the order of June 28, 2013 (ECF No. 9). Alternatively, he may pay the \$400.00 filing fee. It is

FURTHER ORDERED that Mr. Bowring will be allowed **thirty (30) days from the date of this order** in which to cure the remaining deficiency as directed in the June 28 order. Failure to do so within the time allowed may result in the dismissal of the instant

action. It is

FURTHER ORDERED that the motion titled "Motion to Withdraw Complaint" (ECF No. 11) filed on July 8, 2013, is denied as unnecessary.

DATED at Denver, Colorado, this 23rd day of August, 2013.

BY THE COURT:

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