

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02191-BNB

COREY BURGESS,

Plaintiff,

v.

CHARLES A. DANIELS (individual/official),
PAUL M. LAIRD, (individual/official),
CHARLES E. SAMUELS, (individual/official),
MATT THOMPSON, (individual/official),
C.O. EXINA (individual/official),
PAUL A. KASTNER (individual/official),
J. A. KELLER (individual/official),
ERIC HOLDER (individual/official), and
U.S. D.O.J./F.B.O.P. (individual/official),

Defendants.

ORDER OVERRULING OBJECTION

This matter is before the Court on the document titled "Objection to Magistrate Judge's Findings and Recommendation" (ECF No. 11) filed *pro se* on September 13, 2013, by Plaintiff, Corey Burgess. Mr. Burgess is a prisoner in the custody of the Federal Bureau of Prisons who currently is incarcerated at the United States Penitentiary, High Security, in Florence, Colorado.

Mr. Burgess objects to Magistrate Judge Boyd N. Boland's order of September 4, 2013 (ECF No. 8), denying his motion for transfer because Plaintiff's allegations were insufficient to establish proper venue for this entire lawsuit in the Western District of Oklahoma and directing him to file in this Court an amended complaint that only asserts

claims appropriate in the District of Colorado.

The Court must construe liberally the September 13 objection because Mr. Burgess is not represented by an attorney. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). However, the Court should not be an advocate for a *pro se* litigant. *See Hall*, 935 F.2d at 1110. For the reasons stated below, the objection will be overruled.

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 September 4 order is not clearly erroneous or contrary to law. Therefore, the objection will be overruled.

Accordingly, it is

ORDERED that the document titled "Objection to Magistrate Judge's Findings and Recommendation" (ECF No. 11) filed *pro se* on September 13, 2013, by Plaintiff, Corey Burgess, and which the Court has construed liberally as an objection pursuant to 28 U.S.C. § 636(b)(1)(A), is overruled.

DATED at Denver, Colorado, this 18th day of September, 2013.

BY THE COURT:

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