

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

Civil Action No. 13-cv-02296-REB-CBS

BOB CUSTARD,

Plaintiff,

v.

DAVID ALLRED,
YVETTE BROUILLET-FETTERHOFF,
BUREAU OF PRISONS,
CHAVEZ,
ENCARANANZE,
FIEF,
ANDREW FENLON,
B. KASDON,
KOCH-COULTER,
PATRICIA RANGEL,
PAUL ZOHN, and
ZONNO,

Defendants.

**ORDER OVERRULING OBJECTIONS TO AND ADOPTING
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matters before me are (1) the **Pltf's Motion for Judgment on the Pleadings In Pltf's Favor On Claim 8** [#169]¹ filed May 15, 2015; (2) the plaintiff's motion for injunctive relief [#187] filed July 8, 2015; (3) the **Pltf's Renewed motion for Injunctive Relief In Reply To Deft "Response to Pltf's Motion for Injunctive Relief" Doc 200** [#204] filed August 21, 2015; and (4) the **Recommendation of United States**

¹ "[#169]" 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.

Magistrate Judge [#262], filed January 13, 2016. The recommendation was delivered orally from the bench. A transcript of the hearing at which the recommendation was delivered is docketed as [#273]. A copy of the transcript was provided to the parties. The plaintiff filed objections [#286], and the defendants filed a response [#300]. I overrule the objections and adopt the recommendation.

The plaintiff is proceeding *pro se*. Thus, I have construed his pleadings more liberally and held them to a less stringent standard than formal pleadings drafted by lawyers. **See *Erickson v. Pardus***, 551 U.S. 89, 94 (2007); ***Andrews v. Heaton***, 483 F.3d 1070, 1076 (10th Cir. 2007); ***Hall v. Bellmon***, 935 F.2d 1106, 1110 (10th Cir. 1991) (citing ***Haines v. Kerner***, 404 U.S. 519, 520-21 (1972)).

As required by 28 U.S.C. § 636(b), I have reviewed *de novo* all portions of the recommendation to which the plaintiff objects. I have considered carefully the recommendation, objections, and applicable case law, as well as the arguments raised, authorities cited, and evidence presented by the parties.

As noted by the magistrate judge, the motion for judgment on the pleadings [#169] concerns a claim which has been dismissed. In that context, judgment on the pleadings is not appropriate. The two motions for injunctive relief [#187 & #204] concern copying of legal documents of the plaintiff by prison officials. The magistrate judge recommends that both motions be denied. The magistrate judge notes that relief is sought against Mr. Ceseno, a person who is not a party to this case. Further, the magistrate judge found that neither motion sets forth sufficient factual allegations to warrant injunctive relief. Finally, the motions seek relief for alleged past wrongs rather

than imminent future harm. After *de novo* review, I concur with the findings and conclusions of the magistrate judge. The objections [#286] of the plaintiff do not include any meritorious objections to the dispositions recommended by the magistrate judge.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#262], filed January 13, 2016, is approved and adopted as an order of this court;

2. That the **Pltf's Motion for Judgment on the Pleadings In Pltf's Favor On Claim 8** [#169] filed May 15, 2015, is denied;

3. That the plaintiff's motion for injunctive relief [#187] filed July 8, 2015, is denied; and

4. That the **Pltf's Renewed motion for Injunctive Relief In Reply To Deft "Response to Pltf's Motion for Injunctive Relief" Doc 200** [#204] filed August 21, 2015, is denied.

Dated March 8, 2016, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge