

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00245-BNB

REVEREND MATT HALE,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,
DAVID BERKEBILE (individually),
BLAKE DAVIS (individually),
CHRISTOPHER SYNSVALL (individually),
BENJAMIN BRIESCHKE (individually),
S. M. KUTA (individually),
L. MILUSNIC (individually),
PATRICIA RANGEL (individually),
WENDY HEIM (individually),
S. SMITH (individually),
H. REDDEN (individually),
DIANA KRIST (individually), and
A. TUTTOILMONDO (individually),

Defendants.

ORDER OVERRULING OBJECTION

Plaintiff, Matt Hale, is a prisoner in the custody of the Federal Bureau of Prisons incarcerated at the United States Penitentiary, Administrative Maximum, in Florence, Colorado. He submitted *pro se* on February 14, 2014, an objection titled "Plaintiff's Motion to Reconsider Order Directing Plaintiff to File Amended Complaint" (ECF No. 6). He objects to the order of February 10, 2015 (ECF No. 5), requiring him to file an amended Prisoner Complaint.

On February 10, Magistrate Judge Boyd N. Boland ordered Mr. Hale to file within

thirty days an amended Prisoner Complaint on the proper, Court-approved form that complies with Rule 8 of the Federal Rules of Civil Procedure, sues the proper parties, and alleges the personal participation of each named Defendant. The February 10 order warned Mr. Hale that if he failed to file an amended Prisoner Complaint as directed within the time allowed, the action may be dismissed without further notice.

Instead of filing the amended Prisoner Complaint as directed, Mr. Hale filed an objection. The Court must construe liberally the February 14 objection because Mr. Hale 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 February 10 order is not clearly erroneous or contrary to law. Therefore, the objection will be overruled.

Accordingly, it is

ORDERED that the objection titled "Plaintiff's Motion to Reconsider Order Directing Plaintiff to File Amended Complaint" (ECF No. 6) that Plaintiff, Matt Hale, filed *pro se* on February 14, 2014, and which the Court has construed liberally as an objection pursuant to 28 U.S.C. § 636(b)(1)(A), is overruled. It is

FURTHER ORDERED that Mr. Hale continues to have **thirty (30) days from the date of the order of February 10, 2014**, in which to comply with the order. Failure to do so within the time allowed may result in the dismissal of the instant action.

DATED at Denver, Colorado, this 19th day of February, 2014.

BY THE COURT:

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