

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01540-BNB

DARWIN HAYTER,

Applicant,

v.

DEBORAH DENHAM – Warden FCI Englewood,

Respondent.

ORDER

This matter is before the Court on the Ex Parte Motion to Void Magistrate Judge Craig B. Shaffer's Order Directing Applicant to File Amended Application Dated July 3, 2014 (ECF No. 13). The motion was filed *pro se* by Applicant, Darwin Hayter, on July 15, 2014. The Court construes the motion as an objection to the referenced order. For the reasons discussed below, the objection will be overruled.

Mr. Hayter initiated this action by filing *pro se* an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 1) challenging a decision denying him placement in a halfway house. On July 3, 2014, Magistrate Judge Craig B. Shaffer entered an order (ECF No. 11) directing Mr. Hayter to file an amended application that clarifies the federal constitutional claims he is asserting. Mr. Hayter objects to Magistrate Judge Shaffer's order for three reasons. He contends, first, that a magistrate judge is not an Article III judge and lacks authority to enter orders in this action; second, that the order cites rules and authorities not applicable to a habeas corpus action

pursuant to § 2241; and, third, that Magistrate Judge Shaffer should not enter an order in an action assigned to Magistrate Judge Boyd N. Boland. Notably, Mr. Hayter does not object to Magistrate Judge Shaffer's substantive determination that the application does not provide a clear statement of the constitutional claims being asserted.

Under 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 Shaffer's order directing Applicant to file an amended application is not clearly erroneous or contrary to law. The local civil rules for the District of Colorado authorize review of prisoner pleadings by a magistrate judge. See D.C.COLO.LCivR 8.1(b); D.C.COLO.LCivR 1.1(e). Furthermore, the rules and authorities cited by Magistrate Judge Shaffer regarding the heightened pleading requirements in a habeas corpus action are applicable to this habeas corpus action pursuant to § 2241. Therefore, Plaintiff's objection will be overruled. Accordingly, it is

ORDERED that the “Ex Parte Motion to Void Magistrate Judge Craig B. Shaffer’s Order Directing Applicant to File Amended Application Dated July 3, 2014” (ECF No. 13) is denied and Applicant’s objections are overruled.

DATED at Denver, Colorado, this 21st day of July, 2014.

BY THE COURT:

s/Christine M. Arguello
CHRISTINE M. ARGUELLO
United States District Judge, for
LEWIS T. BABCOCK, Senior Judge
United States District Court