

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 14-cv-02615-RM

PRESTON COUSETT,

Applicant,

v.

PAM PLOUGHE, Warden, Skyline Corr. Facility, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER

On January 14, 2015, this case was assigned to Magistrate Judge Michael E. Hegarty, as the presiding judge, pursuant to the Court's Pilot Program to Implement the Direct Assignment of Civil Cases to Full Time Magistrate Judges. On January 15, 2015, Magistrate Judge Hegarty entered an Order to Dismiss in Part and for Answer (ECF No. 25), based, in part, on the erroneous assumption that consent by the parties had been achieved. Subsequently, the Respondents filed a document stating that they do not consent to have a magistrate judge enter dispositive orders in this action. (ECF No. 23). Accordingly, on January 20, 2015, Magistrate Judge Hegarty issued a Minute Order directing the Clerk of the Court to re-assign the case under D.C.Colo.LCivR 40.1(a). (ECF No. 26). This action was thereafter re-assigned to the undersigned. (ECF No. 27).

It has come to the Court's attention that the Order to Dismiss In Part and For Answer (ECF No. 25) was entered inappropriately on January 15, 2015, because the parties had not

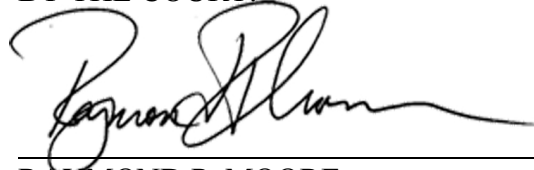
consented to determination of this case by a magistrate judge. Accordingly, the Court will vacate the Order to Dismiss in Part, as entered on January 15, 2015. Notwithstanding, the Court agrees, *in toto*, with the reasoning and analysis in the Order to Dismiss in Part and, therefore, will adopt the Order as entered by the Court this date. Accordingly, it is

ORDERED that the Order to Dismiss in Part (ECF No. 25) is deemed entered by the Court this date. It is

FURTHER ORDERED that the Order to Dismiss in Part, as entered by Magistrate Judge Hegarty on January 15, 2015, is VACATED.

DATED January 20, 2015, at Denver, Colorado.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge