

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

Civil Action No. 15-cv-00007-RM-KLM

JOSE M. APODACA,

Plaintiff,

v.

ZBIGNIEW RICHARD KOSIK, Police Officer, in his official capacity, and
ZBIGNIEW RICHARD KOSIK, in his individual capacity,

Defendants.

ORDER

This matter is before the Court on “Plaintiff’s Objections to Order and Recommendations of United State Magistrate Judge Pursuant to Fed R Civ P Rule 72” (the “Objection”) (ECF No. 96), objecting to the February 23, 2016, Order and Recommendation of United States Magistrate Judge (the “Recommendation”) (ECF No. 93). Upon consideration of the Objection, the court file, the applicable rules and case law, and being otherwise fully advised, Plaintiff’s Objection is STRICKEN.

As an initial matter, Plaintiff proceeds *pro se*. While the Court construes Plaintiff’s papers liberally and holds them to a less stringent standard than those drafted by attorneys, *see Haines v. Kerner*, 404 U.S. 519, 520-21 (1972), the Court still requires Plaintiff to follow the procedural rules, *see Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991) (*pro se* litigant is not relieved of burden of alleging sufficient facts to state a recognized legal claim).

Plaintiff’s Objection is untimely. The Recommendation was issued on February 23,

2016, and specifically advised the parties of the 14-day rule for filing objections. (ECF No. 93, pages 15-16.) Even accounting for three days for mailing, *see, e.g.*, Fed. R. Civ. P. 5 & 6(d), and the mailbox rule, *Price v. Philpot*, 420 F.3d 1158 (10th Cir. 2005), Plaintiff's Objection dated and certified for mailing as March 21, 2016 is untimely. Moreover, Plaintiff makes no request for an enlargement of time to object and provides no reason why his objection could not have been timely filed. The Court has already ruled on the Recommendation; the Objection will not be considered and is stricken as untimely. *See* Fed. R. Civ. P. 12(f)(1).

Plaintiff's two motions for appointment of counsel remain pending and have been referred to the Magistrate Judge for a ruling.

Based on the foregoing, it is ORDERED that Plaintiff's "Objections to Order and Recommendations of United State Magistrate Judge Pursuant to Fed R Civ P Rule 72" is STRICKEN.

DATED this 28th day of March, 2016.

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