

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PRESTON BLAKE,

Plaintiff,

v.

1:17-cv-00807-MLG-KK

GEO GROUP, INC. *et al.*,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED
FINDINGS AND RECOMMENDED DISPOSITION**

Magistrate Judge Kirtan Khalsa filed three separate Proposed Findings and Recommended Dispositions ("PFRDs") on February 11, 2022, August 10, 2022, and December 16, 2022, respectively. *See* Docs. 109, 118, 137.

The February 11, 2022, PFRD recommended the Court grant Defendant the Board of County Commissioners of Lea County's ("Board") Motion for Summary Judgment, Doc. 75. Doc. 109 at 1. The PFRD notified Plaintiff of his ability to file objections within fourteen days, and that failure to do so waived appellate review. *Id.* at 5. Plaintiff filed his objections on February 24, 2022. Doc. 110.

The August 10, 2022, PFRD proposed the Court deny Plaintiff's Motion to Request Preliminary Injunctions, Doc. 97. Doc. 118 at 1. The PFRD again notified Plaintiff of his ability to file objections within fourteen days, and that failure to do so waived appellate review. *Id.* at 4. The Court extended the deadline to object to this PFRD until September 30, 2022. Doc. 123. However, Plaintiff did not file any objections to this PFRD. The failure to make timely objections to the PFRD waives appellate review of both factual and legal questions. *United States v. One*

Parcel of Real Property, 73 F.3d 1057, 1059 (10th Cir. 1996).

The December 16, 2022, PFRD recommended the Court grant Defendants GEO Group, Inc., Raymond Smith, John Beard, Juanita Puente, and the Board's Motion for Summary Judgment, Doc. 75. Doc. 137 at 34. Judge Khalsa also recommended the Court deny the following motions: Plaintiff's Motion for Summary Judgment or Motion for Mediation and Arbitration, Doc. 78; Motion for Injunctive Relief, Doc. 119; Motion to Seek Leave to Take Specific Non-Duplicative Discovery, Doc. 120; Motion for Court Ordered Injunction, Doc. 126; Motion for Continuance and Extension to Allow Plaintiff File and Submit Facts That Will Show or Create Genuine Issue[s] of Material Fact, Doc. 129; and Motion to Amend Injunction Filed – Motion to Supplement Additional Information and Facts as They Occur, Doc. 130. Doc. 137 at 34.

This third PFRD also advised Plaintiff that he had the ability to file objections within fourteen days, and that failure to do so waived appellate review. *Id.* The Court extended the deadline for Plaintiff to file his objections until May 10, 2023. Doc. 151. Plaintiff filed his objections on February 13, 2023, Doc. 152, and a Supplemental Response on March 1, 2023, Doc. 153.

Pursuant to 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b), the Court has conducted a *de novo* review of the record and of the August 10, 2022, and December 16, 2022, PFRDs, which were properly objected to. After conducting this review and considering these two PFRDs and relevant objections, the Court finds no reason either in law or fact to depart from Judge Khalsa's well-reasoned proposed recommendations and findings. The Court has also carefully reviewed the August 10, 2022, PFRD, and determines the August 10, 2022, PFRD is not clearly erroneous, arbitrary, obviously contrary to law, or an abuse of discretion. *See Workheiser v. City of Clovis*, No. 12-CV-0485 JB/GBW, 2012 U.S. Dist. LEXIS 184388, *9 (D.N.M. Dec. 28, 2012).

Accordingly, the Court will adopt the findings and recommendations memorialized in each of the three PFRDs Judge Khalsa issued.


Alongside the motions addressed by the PFRDs, Plaintiff has multiple pending motions, including: Plaintiff's Motion to Respond to Defendants' Motion for Summary Judgment and Motion to Amend Plaintiff's Motion for Summary Judgment, Doc. 80; Plaintiff's Motion for Appointment of Counsel and Brief in Support of Preston J Blake, Doc. 121; Motion for Additional Claims and Defendants, Doc. 141; Motion for Leave to File a Supplemental Complaint under Rule 15(d) of Federal Rules of Civil Procedure, Doc. 146; Motion for an Order Compelling Discovery, Doc. 148; Motion in Opposition to Document 155, Motion for Permission to Engage in Discovery, Motion for Appointment of Counsel, Motion to Engage in Mediation, Motion to Proceed to Trial, Doc. 156; Motion to Correct Document 156, Notice to Court of Attempt at Mediation, Doc. 157; Motion for Scheduling Order Under Rule 16 Federal Rules of Civil Procedure and Notice of Serving LCGF/GEO Medical and Inmate Records Department for Freedom of Information Act, Doc. 160; Plaintiff's Motion for Injunctive Relief and Motion for Appointment of Counsel by Court or by Defendants, Doc. 164; and Motion to Compel Documents and Camera Footage from LCGF/GEO Defendants for Court Review, Doc. 166. Because the Court adopts Judge Khalsa's recommendation to grant summary judgment in Defendants' favor regarding all of Plaintiff's claims, these motions will be mooted upon entry of this order.

It is therefore ordered as follows:

1. Plaintiff's objections to the February 11, 2022, and August 10, 2022, Proposed Findings and Recommended Dispositions are overruled;
2. Judge Khalsa's Proposed Findings and Recommended Dispositions, Docs. 109, 118, 137, are adopted;
3. Plaintiff's amended complaint, Doc. 19, is dismissed with prejudice;
4. The pending motions, Docs. 80, 121, 141, 146, 148, 156, 157, 160, 164, and 166,

are denied as moot; and

5. Final dismissal is entered pursuant to Federal Rule of Civil Procedure 58(a).

A handwritten signature in black ink, appearing to read "M. Garcia", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE
MATTHEW L. GARCIA