

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 06-cv-00541-REB-KLM

MATTHEW F. HALE,

Plaintiff,

v.

UNITED STATES, et al.,

Defendants.

**ORDER ADOPTING RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matter before me is the **Recommendation of United States Magistrate Judge** [#61], filed January 11, 2008. No objections having been filed to the recommendation, I review it only for plain error. *See Morales-Fernandez v. Immigration & Naturalization Service*, 418 F.3d 1116, 1122 (10th Cir. 2005).¹ Finding no such error in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#61], filed January 11, 2008, is **APPROVED AND ADOPTED** as an order of this court;

¹ This standard pertains even though plaintiff is proceeding *pro se*. *Morales-Fernandez*, 418 F.3d at 1122.

2. That the **United States' Motion To Dismiss** [#53], filed August 22, 2007, is **GRANTED**;

3. That plaintiff's Sixth Claim for Relief is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies as required by the Federal Tort Claims Act; and

4. That the United States is **DROPPED** as a party defendant to this action, and the case caption **AMENDED** accordingly.

Dated February 7, 2008, at Denver, Colorado.

BY THE COURT:

s/ Robert E. Blackburn
Robert E. Blackburn
United States District Judge