

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 06-cv-02254-PAB-BNB

DAVID W. IRONS,

Plaintiff,

v.

ENDRE SAMU,
ANITA BLOOR, and
COLORADO DEPARTMENT OF CORRECTIONS,

Defendant.

ORDER

This matter comes before the Court on the Recommendation of United States Magistrate Judge (“the Recommendation”) [Docket No. 203] concerning plaintiff’s Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56 [Docket No. 166] and defendants’ Motion for Summary Judgment [Docket No. 171]. By minute order dated October 26, 2009, the Court granted plaintiff until November 12, 2009 to file objections to the Recommendation. On November 9, 2009, plaintiff filed timely objections [Docket No. 208] to the Recommendation. Defendants have filed a response [Docket No. 209] to the objections.

Plaintiff objects to the conclusion that there were no genuine issues of material fact presented by the record evidence. Plaintiff’s arguments regarding the appropriate weight of certain aspects of the record evidence are without merit and, even if

accepted, would not affect the outcome. The Court has conducted a *de novo* review of the record and has construed the plaintiff's pleadings liberally in light of his status as a *pro se* plaintiff. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). The Court agrees with the magistrate judge's thorough and well-reasoned analysis. The record, when drawing all inferences in the light most favorable to plaintiff, entitles defendants to summary judgment.

The plaintiff also sought appointment of counsel [Docket No. 196]. The magistrate judge denied that request [Docket No. 198]. The Court finds no error with the magistrate judge's application of the relevant factors to plaintiff's request. See *Rucks v. Boergemann*, 57 F.3d 978, 979 (10th Cir. 1995). Accordingly, it is

ORDERED that the Recommendation of United States Magistrate Judge [Docket No. 203] is ACCEPTED. It is further

ORDERED that defendants' motion for summary judgment [Docket No. 171] is GRANTED. It is further

ORDERED that plaintiff's motion for summary judgment [Docket No. 166] is DENIED. It is further

ORDERED that plaintiff's request for reversal of the magistrate judge's order denying appointment of counsel [Docket No. 199] is DENIED. It is further

ORDERED that judgment shall enter in favor of defendants and against plaintiff on all claims.

DATED March 2, 2010.

BY THE COURT:

s/Philip A. Brimmer _____
PHILIP A. BRIMMER
United States District Judge