

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

Civil Action No. 06-cv-02400-REB-CBS

TUAN TRAN,

Plaintiff,

v.

ROBERT CLAYTON,
TIM FANDRICH, and
SUNGARD,

Defendants.

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

Blackburn, J.

The matter before me is the **Recommendation of United States Magistrate Judge** [#9]¹ filed April 17, 2007. Because petitioner is proceeding pro se, I have viewed his filings generously and with the leniency due a pro se litigant, see *Erickson v. Pardus*, 551 U.S. 89 ___, 127 S. Ct. 2197, 2200, 167 L.Ed.2d 1081 (2007); *Andrews v. Heaton*, 483 F.3d 1070, 1076 (10th Cir. 2007); *Hall v. Belmon*, 935 F.2d 1106, 1110 (10th Cir. 1991) (citing *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972)).

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

¹ “[#9]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s case management and electronic case filing system (CM/ECF). I use this convention throughout this order.


1116, 1122 (10th Cir. 2005).² Finding no error – let alone plain error – in the magistrate judge’s recommendation for dismissal without prejudice, 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** [#9] filed April 17, 2007, is **APPROVED AND ADOPTED** as an order of this court; and
2. That this action is **DISMISSED WITHOUT PREJUDICE**.

Dated October 1, 2009, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge

² This standard pertains even though plaintiff is proceeding *pro se* in this matter. **Morales-Fernandez**, 418 F.3d at 1122.