

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

Civil Case No. 07-cv-00107-REB-BNB

MARTHA ANN SHARP,

Applicant,

v.

BILL RITTER, Governor of Colorado, and
NOBLE WALLACE, Warden DWCF,

Respondents.

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

Blackburn, J.

The matter before me is the **Amended Recommendation of United States Magistrate Judge** [#62], filed January 14, 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.²

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

² I note also that the magistrate judge's recommendation that petitioner's Application be dismissed with prejudice is supported by the law of this circuit. *See United States v. Hanzlicek*, 187 F.3d 1219, 1221 (10th Cir. 1999).

THEREFORE, IT IS ORDERED as follows:

1. That the **Amended Recommendation of United States Magistrate Judge** [#62], filed January 14, 2008, is **APPROVED AND ADOPTED** as an order of this court;

2. That respondents' **Motion To Dismiss** [#51], filed December 20, 2007, is **GRANTED**;

3. That plaintiff's **Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** is **DISMISSED WITH PREJUDICE**;

4. That judgment **SHALL ENTER** for defendants, Bill Ritter and Noble Wallace, and against plaintiff, Martha Ann Sharp, on all claims and causes of action; and

5. That defendants are **AWARDED** their costs, to be taxed by the Clerk of the Court pursuant to Fed.R.Civ.P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated February 7, 2008, at Denver, Colorado.

BY THE COURT:

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