

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

Civil Action No. 07-cv-00835-REB-KMT

ANDREW PHILLIP ELLIOTT,

Applicant,

v.

JAMES E. ABBOTT, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

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

Blackburn, J.

The matter before me is the **Recommendation of United States Magistrate Judge** [#34] filed May 27, 2009. 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** [#34] filed May 27, 2009, is **APPROVED AND ADOPTED** as an order of this court;

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

2. That petitioner's **Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254** [#3], filed April 24, 2007, is **DENIED**;
3. That petitioner's claims for relief are **DISMISSED WITH PREJUDICE**; and
4. That judgment **SHALL ENTER** on behalf of defendants, James E. Abbott and The Attorney General of the State of Colorado, against plaintiff, Andrew Phillip Elliott, as to all claims for relief and causes of action.

Dated July 27, 2009, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge