

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 07-cv-01224-CMA-MJW

SHAWN D. ALLEN,

Plaintiff,

v.

SGT. SCHMUTZLER,

Defendant.

**ORDER ADOPTING AND AFFIRMING OCTOBER 23, 2009
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

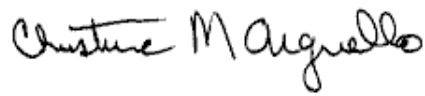
The above-entitled and numbered civil action was referred to United States Magistrate Judge Michael J. Watanabe pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b). On October 23, 2009, the Magistrate Judge issued a Report and Recommendation, recommending Defendant's Motion for Summary Judgment be granted. (Doc. # 161.) Plaintiff, proceeding *pro se*, filed objections to the Report and Recommendation. (Doc. # 166.) However, Plaintiff merely asserts the same arguments that he presented in opposition to Defendant's Motion for Summary Judgment, *i.e.*, he does not raise any new legal or factual issues in his Objection. The Court has conducted a *de novo* review of this matter, including carefully reviewing all relevant pleadings, the Report and Recommendation, and Plaintiff's Objections to the Report and Recommendation. The Court finds Plaintiff's objections are without merit. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are

correct. Therefore, the Court hereby ADOPTS the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is ORDERED that Defendant's Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56 (Doc. # 118) is GRANTED.

DATED: February 18, 2010

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge