

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

Civil Action No. 07-cv-02041-CMA-BNB

MICHAEL GENE YOUNG, # 81310

Plaintiff,

v.

KELLY WASKO, RN,  
THEODORE LAWRENCE, P.A.,  
PATTY BEECROFT, M.D., and  
DEBORAH HOWE, RN,

Defendants.

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**ORDER ADOPTING AND AFFIRMING JANUARY 11, 2010  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

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The above-entitled and numbered civil action was referred to United States Magistrate Judge Boyd. N. Boland pursuant to 28 U.S.C. § 636(b)(1)(A) and D.C.COLO.L.CivR 72.1. On January 11, 2010, the Magistrate Judge issued a Report and Recommendation (Doc. # 169), recommending Defendant Beecroft's Motion for Summary Judgment (Doc. # 144) be granted and CDOC Defendants' Motion for Summary Judgment be granted (Doc. # 134). Plaintiff, proceeding *pro se*, filed objections to the Report and Recommendation. (Doc. # 166.) In his Objection, Plaintiff asserts that he does not believe that the Magistrate Judge considered the sixty-two pages of exhibits contained in Plaintiff's Response to Defendants' Motion for Summary

Judgment (Doc. # 152). Plaintiff does not raise any new legal or factual issues in his Objection.

The Court has conducted a *de novo* review of this matter. The Court has carefully reviewed all relevant pleadings, including the exhibits attached to Plaintiff's Response to Defendants' Motion for Summary Judgment (Doc. # 152), the exhibits attached to Plaintiff's Supplement to Amended Complaint (Doc. # 17), and the exhibits attached to CDOC Defendants' Motion for Summary Judgment (Doc. # 144).

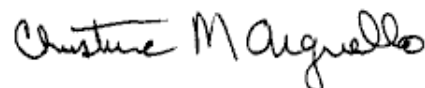
The Court finds Plaintiff's objections are without merit. Contrary to Plaintiff's unsupported assertion in his Objection, the Clerk of the Court properly included Plaintiff's exhibits (total of fifty-two pages) as attachments to Plaintiff's Response to Defendants' Motion for Summary Judgment (Doc. # 152). The Court notes that twenty-seven of the fifty-two pages Plaintiff included as attachments to his Response are also found as attachments to Plaintiff's Supplement to Amended Complaint (Doc. # 17) or CDOC Defendants' Motion for Summary Judgment (Doc. # 144). The Court has reviewed the remaining twenty-five pages submitted by Plaintiff and concludes that they are either irrelevant to or not supportive of Plaintiff's claims. The Magistrate Judge's Report and Recommendation provides a very detailed report of the medical services received by Plaintiff and, in fact, references information from the documents submitted by Plaintiff in at least fifteen paragraphs (see ¶¶ 10, 12, 16, 18, 19, 21, 24, 25, 30, 31, 33, 35, 27, 39, and 40 of Doc. # 169). It is apparent that the Magistrate Judge fully considered all relevant records, including Plaintiff's medical records and grievance

filings. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Even when viewing the evidence in a light most favorable to Plaintiff and affording him the benefit of all reasonable inferences, Plaintiff fails to demonstrate that a genuine issue of material facts exists. Defendants' are entitled to summary judgment as Plaintiff has failed to establish that Defendants' actions violated the Eighth Amendment. 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 Beecroft's Motion for Summary Judgment (Doc. # 134) and CDOC Defendants' Motion for Summary Judgment (Doc. # 144) are GRANTED and this case is DISMISSED WITH PREJUDICE. It is further ORDERED that Defendant shall have its costs by the filing of a Bill of Costs with the Clerk of this Court within ten days of the entry of judgment.

DATED: February 18, 2010

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge