

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

Civil Case No. 07-cv-002603-REB-KLM

NORBERTO PEREZ AROCHO,

Plaintiff,

v.

S. NAFZINGER, Clinical Director,  
RON WILEY, The Warden of USP Penitentiary - ADX, and  
HARLEY G. LAPPIN, Federal Bureau of Prison - Director,

Defendants.

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**ORDER OVERRULING OBJECTIONS TO AND ADOPTING  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

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**Blackburn, J.**

The matters before me are (1) the **Recommendation of United States Magistrate Judge** [#131] filed January 14, 2009; and (2) plaintiff's **Objection to United States Magistrate Judge Recommendation** [#143] filed January 23, 2009. I overrule the objections, adopt the recommendation, and grant defendants' motion to dismiss.

As required by 28 U.S.C. § 636(b), I have reviewed *de novo* all portions of the recommendation to which objections have been filed, and have considered carefully the recommendation, objections, and applicable caselaw. In addition, because plaintiff is proceeding *pro se*, I have construed his pleadings more liberally and held them to a less stringent standard than formal pleadings drafted by lawyers. ***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 (10<sup>th</sup> Cir. 1991)

(citing *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972)). The recommendation is detailed and well-reasoned. Plaintiff's objections are imponderous and without merit.

Therefore, I find and conclude that the arguments advanced, authorities cited, and findings of fact, conclusions of law, and recommendation proposed by the magistrate judge should be approved and adopted.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Recommendation of United States Magistrate Judge** [#131] filed January 14, 2009, is **APPROVED AND ADOPTED** as an order of this court;

2. That plaintiff's objections as stated in the **Objection to United States Magistrate Judge Recommendation** [#143] filed January 23, 2009, are **OVERRULED**;

3. That **Defendants Nafziger, Wiley, and Lappin's Motion To Dismiss** [#65] filed June 30, 2008, is **GRANTED**;

4. That all pending motions are **DENIED AS MOOT**;

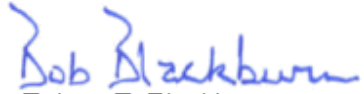
5. That plaintiff's claims against defendants are **DISMISSED WITH PREJUDICE**;

6. That judgment **SHALL ENTER** on behalf of defendants, S. Nafziger, Clinical Director, Ron Wiley, Warden of the USP Penitentiary-ADX, and Harley Lappin, Federal Bureau of Prisons Director, and against plaintiff, Norberto Perez Arocho, as to all claims for relief and causes of action; and

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

Dated February 24, 2009, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge