

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

Civil Action No. 08-cv-00275-CMA-KMT

JOHN NASIOUS,

Plaintiff,

v.

CITY AND COUNTY OF DENVER, Denver Sheriffs [sic] Department,  
SHERIFF STRONG, Denver Sheriffs [sic] Department, in his official  
and individual capacity,  
NURSE ROSIE PAGLIANO, Denver Sheriffs [sic] Department, in her official  
and individual capacity,

Defendants.

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**ORDER ADOPTING AND AFFIRMING AUGUST 28, 2012 RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on the August 28, 2012 Recommendation of United States Magistrate Judge Kathleen M. Tafoya, in which she recommended that the three pending summary judgment motions be granted. (Doc. # 214.) The motions pending are Defendant City and County of Denver's Combined Summary Judgment Motion and Brief (Doc. # 181), Defendant Sheriff Strong's Motion for Summary Judgment and Memorandum Brief (Doc. # 182), and Defendant Nurse Rosie Pagliano's Motion for Summary Judgment. (Doc. # 187.)

On September 26, 2012, Plaintiff John Nasious, proceeding *pro se*, filed an Objection to the Recommendation.<sup>1</sup> Because Plaintiff is proceeding *pro se*, the Court “review[s] his pleadings and other papers liberally and hold[s] them to a less stringent standard than those drafted by attorneys.” *Trackwell v. U.S. Gov’t*, 472 F.3d 1242, 1243 (10th Cir. 2007) (citing *Haines v. Kerner*, 404 U.S. 519, 520 (1972)). Defendants responded on October 8, 2012. (Doc. # 220.)

This Court has conducted a *de novo* review of this matter, including carefully reviewing all relevant pleadings, the Recommendation, Plaintiff’s Objection to the Recommendation, and Defendants’ Response to Plaintiff’s Objection. In his Objection, Plaintiff fails to raise any new issues of law or fact that would warrant a different conclusion. Based on the Court’s *de novo* review, the Court concludes that the Magistrate Judge’s thorough and comprehensive analyses and recommendations regarding the motions for summary judgment are correct. Therefore, Plaintiff’s Objection is OVERRULED and the Court hereby ADOPTS the Recommendation of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, IT IS ORDERED THAT:

- (1) Defendant City and County of Denver’s Combined Summary Judgment Motion and Brief (Doc. # 181) is GRANTED;

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<sup>1</sup> On September 10, 2012, Plaintiff requested a twenty-five day extension of time to respond to the Recommendation. (Doc. # 215.) The Court granted that request in part, and ordered that Plaintiff shall have “to and including September 26, 2012, within which to respond to the Magistrate Judge’s Recommendation.” (Doc. # 216.) Although Plaintiff’s Objection was not entered in the docket until September 27, 2012, his Objections was time-stamped by the Clerk of the Court on September 26, 2012 and, thus, Plaintiff’s Objection was timely filed.

- (2) Defendant Strong's Motion for Summary Judgment and Memorandum Brief (Doc. # 182) is GRANTED; and
- (3) Defendant Pagliano's Motion for Summary Judgment (Doc. # 187) is GRANTED.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 1915(a)(3), any appeal from this Order would not be taken in good faith, and thus, such an appeal may not be taken *in forma pauperis*.

In light of the above, IT IS FURTHER ORDERED that this case is DISMISSED WITH PREJUDICE.

DATED: October 10, 2012

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge