

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

Civil Case No. 08-cv-01052-REB-MJW

JOE DOUGLAS,

Plaintiff,

v.

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS,
DISTRICT LODGE 141, a/k/a IAMAW ROCKY MOUNTAIN AIRCRAFT LODGE
1886,

Defendant.

**ORDER ADOPTING RECOMMENDATIONS OF
UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

This matter is before me on the following: (1) **International Association of Machinists and Aerospace Workers' Notice of Motion To Dismiss (F.R.C.P 12(b)(6)** [#21]¹ filed September 10, 2008; (2) **Recommendation on Defendant's Motion to Dismiss (Docket No. 21)** [#36] filed March 6, 2009; (3) a motion captioned as **Proposed Amended Pleading** [#49] and the associated memorandum in support [#50], both filed July 29, 2009; and (4) **Recommendation on Plaintiff's Motion for Leave to File Second Amended Title VII Complaint (Docket No. 49)** [#58] filed August 18, 2009. Like the magistrate judge, I read the plaintiff's filing captioned as **Proposed Amended Pleading** [#49] as a motion to amend the complaint. The plaintiff filed

¹ "[#21]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

objections [#37 & #59] to the two pending recommendations. Those objections prompted the filing of responses [#38 & #60] to the plaintiff's objections, and the plaintiff filed replies [#39 & #61] to the responses.

As required by 28 U.S.C. § 636(b), I have reviewed *de novo* all portions of the recommendations to which objections have been filed, and I have considered carefully the recommendations, objections, and applicable law. In addition, because the 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. **See Erickson v. Pardus**, 551 U.S. 89, ___, 127 S. Ct. 2197, 2200 (2007); **Andrews v. Heaton**, 483 F.3d 1070, 1076 (10th Cir. 2007); **Hall v. Bellmon**, 935 F.2d 1106, 1110 (10th Cir. 1991). The recommendations are detailed and well-reasoned. Finding no error in the magistrate judge's reasoning and recommended dispositions, I find and conclude that the arguments advanced, authorities cited, and findings of fact, conclusions of law, and recommendations proposed by the magistrate judge should be approved and adopted. I find also that the plaintiff's objections [#37 & #59] are without merit.

In sum, I agree with the magistrate judge's conclusion that the plaintiff's allegations do not state a claim for relief that is plausible on its face. Further, I agree with the magistrate judge's conclusion that the allegations in the plaintiff's proposed amended complaint also do not state a claim for relief that is plausible on its face and, therefore, that the plaintiff's request to amend his complaint should be denied.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation on Defendant's Motion to Dismiss** (Docket No. 21) [#36] filed March 6, 2009, is **APPROVED AND ADOPTED** as an order of this court;
2. That the **International Association of Machinists and Aerospace Workers'**

**Notice of Motion To Dismiss (F.R.C.P 12(b)(6) [#21] filed September 10, 2008, is
GRANTED;**

**3. That the Recommendation on Plaintiff's Motion for Leave to File Second
Amended Title VII Complaint (Docket No. 49) [#58] filed August 18, 2009, is
APPROVED AND ADOPTED as an order of this court;**

**4. That the plaintiff's Proposed Amended Pleading [#49] and the associated
memorandum in support [#50], both filed July 29, 2009, read as a motion to amend the
complaint, are DENIED;**

**5. That the plaintiff's objections [#37 & #59] to the two pending
recommendations are OVERRULED;**

**6. That JUDGMENT SHALL ENTER in favor of the defendant, International
Association of Machinists and Aerospace Workers, District Lodge 141, a/k/a IAMAW
Rocky Mountain Aircraft Lodge 1886 , against the plaintiff, Joe Douglas;**

**7. That defendants are AWARDED their costs to be taxed by the Clerk of the
Court pursuant to FED. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1; and**

8. That this case is DISMISSED.

Dated September 22, 2009, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge