

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

Civil Case No. 08-cv-01125-REB-CBS

BENITO MEDINA,

Plaintiff,

v.

DON PETROSS, Sheriff Deputy,
JANE DOE, Sheriff Deputy, and
SARGENT RON GOODMAN, Sheriff Deputy,

Defendant.

**ORDER ADOPTING RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matter before me is the **Recommendation of United States Magistrate Judge** [#49], filed February 25, 2010. No objections having been filed to the recommendation, I review it only for plain error. *See Morales-Fernandez v. Immigration & Naturalization Service*, 418 F.3d 1116, 1122 (10th Cir. 2005).¹ Finding no such error in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#49], filed February 25, 2010, is **APPROVED AND ADOPTED** as an order of this court;

¹ This standard pertains even though plaintiff is proceeding *pro se* in this matter. *Morales-Fernandez*, 418 F.3d at 1122.

2. That defendants' **Motion To Dismiss or, in the Alternative, for Summary Judgment** [#33], filed April 2, 2009, is **GRANTED** as a motion for summary judgment;
3. That plaintiff's claims against defendant are **DISMISSED WITH PREJUDICE**;
4. That judgment **SHALL ENTER** on behalf of defendants, Don Petross, Sheriff Depute, Jane Doe, Sheriff Deputy, and Sargent [sic] Ron Goodman, Sheriff Deputy, and against plaintiff, Benito Medina, as to all claims and causes of action asserted herein;
and
5. 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.

Dated March 29, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge