

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

Civil Action No. 08-cv-01233-CMA-CBS

LEROY DAMASIO FRESQUEZ,

Plaintiff,

v.

DEPUTY BALDWIN, Jefferson County Sheriff's Office,  
CORRECTIONAL HEALTHCARE MANAGEMENT,,  
NURSE KRISTA BIES,  
NURSE TATYANA BISKUP-STOJILKOVIC,  
NURSE VICTORIA CURTIS,  
NURSE TRACY HAINES,  
NURSE SHIRLEY WITHROW, and  
NURSE BARBARA GREER,

Defendants.

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**ORDER ADOPTING AND AFFIRMING DECEMBER 15, 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 Craig B. Shaffer pursuant to 28 U.S.C. § 636. On December 15, 2010, the Magistrate Judge issued a Report and Recommendation concerning five dispositive motions. The Magistrate Judge recommended that Defendant Baldwin and the CHM Defendants' Motions for Summary Judgment be granted, Defendants' Renewed Motion to Strike Plaintiff's Expert Disclosures be granted, Plaintiff's Motion Seeking Leave to Amend Amended Complaint and ants Plaintiff's Motion for Summary

Judgment be denied.<sup>1</sup> (Doc. # 233.) Plaintiff, proceeding *pro se*, filed objections to the Report and Recommendation (Doc. # 240), and Defendants filed a Response on February 7, 2011. (Doc. # 249.) Plaintiff then filed a Motion to Dismiss All Claims from Defendants. (Doc. # 263.)

This Court has conducted a *de novo* review of this matter, including carefully reviewing all relevant pleadings, the Report and Recommendation, Plaintiff's Objections to the Report and Recommendation, and Defendants' Response to Plaintiff's objections. Plaintiff fails to raise any new issues of law or fact warranting a result different from that reached by the Magistrate Judge in his Report and Recommendation. Instead, Plaintiff's rambling objections merely rehash the allegations asserted in the Amended Complaint (Doc. # 13) and various other pleadings without informing this Court of any specific errors in the Report and Recommendation.

Based on this *de novo* review, the Court concludes that the Magistrate Judge's thorough and comprehensive analyses and recommendations are correct. Therefore, the Court hereby ADOPTS the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

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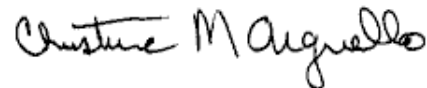
<sup>1</sup> In the Recommendation, the Magistrate Judge also considered two non-dispositive motions. The Magistrate ordered that Defendants' Joint Motion to Strike Plaintiff's Motion for Summary Judgment be denied as moot and that Plaintiff's Motion Seeking Leave to Designate Jefferson County Sheriff Office Mental Health Doctor Deborah Reynolds, M.D. also be denied. Pursuant to Fed. R. Civ. P. 729a), this Court will only modify or set aside a Magistrate's order on non-dispositive motions that is clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A). This Court has conducted a *de novo* review and finds that Magistrate Judge Shaffer's are not clearly erroneous or contrary to law.

Accordingly, IT IS ORDERED THAT:

1. Defendant Baldwin's Motion for Summary Judgment (Doc. # 140) is GRANTED.
2. The CHM Defendants' Motion for Summary Judgment (Doc. # 199) is GRANTED.
3. This case is DISMISSED WITH PREJUDICE.
4. All other motions (Doc. ## 176, 184, 204, 207, 213, and 263) are DENIED as moot.

DATED: March 04, 2011

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge