

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

Civil Case No. 08-cv-01355-REB-KMT

STEVEN WILSON,

Plaintiff,

v.

ARI ZAVARAS, Executive Director, Colorado Department of Corrections, and
CATHY HOLST, Manager, Office of Correctional Legal Services,

Defendants.

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

Blackburn, J.

The matters before me are (1) the **Recommendation of United States Magistrate Judge** [#53] filed June 4, 2009; (2) **Plaintiff's Objection to the Magistrate Judge's Recommendation To Dismiss the Suit with Prejudice, Brief in Support, and Request for Orders for Further Actions as Set Out Herin (sic) and Appearing in the Record** [#58] filed July 29, 2009; and (3) **Defendant's Combined Motion To Dismiss and Memorandum Brief in Support of Motion To Dismiss** [#21] filed December 4, 2008. I overrule the objections, adopt the recommendation, and grant defendant's 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. Moreover, 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. **See** *Erickson v. Pardus*, 551 U.S. 89, 93-94, 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 (10th Cir. 1991) (citing *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652 (1972)). The recommendation is detailed and well-reasoned. Contrastingly, plaintiff's objections are imponderous and without merit.¹

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** [#53] filed June 4, 2009, is **APPROVED AND ADOPTED** as an order of this court;
2. That the objections stated in **Plaintiff's Objection to the Magistrate Judge's Recommendation To Dismiss the Suit with Prejudice, Brief in Support, and Request for Orders for Further Actions as Set Out Herin (sic) and Appearing in the Record** [#58] filed July 29, 2009, is **OVERRULED**;
3. That **Defendant's Combined Motion To Dismiss and Memorandum Brief in Support of Motion To Dismiss** [#21] filed December 4, 2008, is **GRANTED**;
4. That plaintiff's claims against defendant are **DISMISSED WITH PREJUDICE**;

¹ Indeed, plaintiff does not contest the magistrate judge's recommendation that his claims be dismissed on statute of limitations grounds at all. Instead, he attacks the September 18, 2008, decision of Senior Judge Zita Weinshienk dismissing certain of his claims pursuant to 28 U.S.C. § 1915A, which is not reviewable pursuant to Fed.R.Civ.P. 72, and prior orders of the magistrate judge denying plaintiff leave to amend his complaint, which are clearly untimely pursuant to Rule 72.

5. That judgment **SHALL ENTER** on behalf of defendant, Cathy Holst, Manager, Office of Correctional Legal Services, against plaintiff, Steven Wilson, as to all claims for relief and causes of action asserted in this action; and
6. That defendant is **AWARDED** her 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 August 21, 2009, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge