

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 08-cv-01586-LTB-MEH

DANNY O. DANIELS,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS,
PHILLIP TEDESCI, in his individual and official capacity,
ARISTEDES ZAVARAS, in his official capacity,
JAMES MICHAUD, in his official capacity, and
BURL McCULLAR, in his individual and official capacity,

Defendants.

ORDER

This case is before me on the recommendation of the Magistrate Judge that Defendants' Motion to Dismiss Second Amended Complaint (Doc 52), converted to a Motion for Summary judgment (Doc 84) be granted, that Plaintiff's Motion for Summary Judgment (Doc 89) be denied, and Plaintiff's Motion for T.R.O. and Preliminary Injunction (Doc 37) be denied. The Magistrate Judge therefore recommends that Plaintiff's claims against Defendants be dismissed with prejudice. The Plaintiff has filed timely specific written objections to the Magistrate Judge's recommendations. I have therefore reviewed the recommendations *de novo* in light of the file and record in this case. On *de novo* review, I conclude that the recommendations are correct. Accordingly

ORDERED that Defendants' Motion to Dismiss Second Amended Complaint (Doc 52), converted to a Motion for Summary Judgment (Doc 84) is GRANTED;

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (Doc 89) is DENIED;

IT IS FURTHER ORDERED that Plaintiff's Motion for T.R.O. and Preliminary Injunction (Doc 37) is DENIED;

IT IS FURTHER ORDERED that Plaintiff's claims against the Defendants are DISMISSED WITH PREJUDICE and the above action is DISMISSED.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Judge

DATED: October 6, 2009