

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

Civil Action No. 08-cv-01709-REB-KLM

MICHAEL A. COLLINS, an individual,

Plaintiff,

v.

ACE MORTGAGE FUNDING, LLC, and its employees, agents and affiliates,  
individually, and  
COUNTRYWIDE HOME LOANS, INC., a/k/a COUNTRYWIDE HOME LOANS  
SERVICING, LP, and its employees, agents and affiliates, individually,

Defendants.

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

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**Blackburn, J.**

The matters before me are (1) the **Recommendation of United States Magistrate Judge** [#104] filed May 19, 2009; and (2) **Plaintiff's Objections or for Reconsideration of the Recommendation of Magistrate Judge Kristen L. Mix** [#105] filed May 29, 2009. I overrule the objections and adopt the recommendation.

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 papers drafted by lawyers. *See Erickson v. Pardus*, 551 U.S. 89, \_\_\_, 127 S. Ct. 2197, 2200, 167 L.Ed.2d 1081 (2007); *Andrews v. Heaton*, 483 F.3d 1070, 1076 (10<sup>th</sup> Cir. 2007); *Hall v. Belmon*, 935 F.2d 1106, 1110

(10<sup>th</sup> 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.

Thus, 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** [#104] filed May 19, 2009, is **APPROVED AND ADOPTED** as an order of this court;

2. That the objections stated in **Plaintiff's Objections or for Reconsideration of the Recommendation of Magistrate Judge Kristen L. Mix** [#105] filed May 29, 2009, are **OVERRULED**;

3. That **Defendant Countrywide Home Loans, Inc.'s Motion To Dismiss or for Summary Judgment** [#52] filed December 5, 2008, is **GRANTED**;

4. That **Defendant Countrywide Home Loans, Inc.s' Amended Motion To Dismiss or for Summary Judgment** [#19] filed September 8, 2008, is **DENIED AS MOOT**;

5. That plaintiff's **Amended Motion for Summary Judgment and for Judgment on the Pleadings Against Countrywide Home Loans, Inc., a/k/a Countrywide Home Loans Servicing, LP, and its Employees, Agents and Affiliates, Individually Only** [#84] filed February 10, 2009, is **DENIED**;

6. That **Plaintiff's Motion for Leave To Propound Discovery Out of Time** [#99] filed May 4, 2009, is **DENIED**;

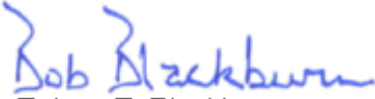
7. That **Plaintiff's Motion for Leave To File Out of Time His Second Amended Verified Complaint and Joinder** [#100] filed May 4, 2009, is **DENIED**;

8. That the First, Second, Third, Fourth, Fifth, Sixth, Eighth, and Ninth Claims for Relief asserted in the **Amended Verified Complaint** [#48] filed November 12, 2008, are **DISMISSED WITH PREJUDICE** as against defendant, Countrywide Home Loans, Inc., a/k/a Countrywide Home Loans Servicing, LP, and its employees, agents and affiliates, individually; and

9. That at the time judgment is entered, judgment **SHALL ENTER** on behalf of defendant, Countrywide Home Loans, Inc., a/k/a Countrywide Home Loans Servicing, LP, and its employees, agents and affiliates, individually, against plaintiff, Michael A. Collins, an individual, as to all claims for relief and causes of action in accordance with this order.

Dated June 23, 2009, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge