

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

Civil Case No. 08-cv-01856-REB-KMT

JAMES JOSEPH SCHNEIDER,

Plaintiff,

v.

ELAINE COOPER, L.P.C.,
DAVID NEWCOMB, C.A.C., III,
LORI LAMM-SWANSON, L.P.C., and
VICKI RODGERS,

Defendants.

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

Blackburn, J.

This matter is before me on the following: (1) **Defendants' Motion To Dismiss Plaintiff's Second Amended Complaint or for Summary Judgment with Incorporated Brief Authority** [#73]¹ filed June 8, 2009; and (2) the **Recommendation of United States Magistrate Judge** [#92] filed December 16, 2009. The plaintiff filed a response [#82] to the motion to dismiss or for summary judgment, and the defendants filed a reply [#91]. No objections to the recommendation have been filed. Therefore, I review the recommendation only for plain error. ***See Morales-Fernandez v.***

¹ "[#73]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

Immigration & Naturalization Service, 418 F.3d 1116, 1122 (10th Cir. 2005).² I have considered carefully the recommendation and the applicable case law. The recommendation is detailed and well-reasoned. Finding no error, much less plain error, in the magistrate judge's reasoning and recommended disposition, 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:

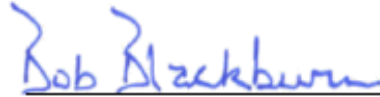
1. That the **Recommendation of United States Magistrate Judge** [#92] filed December 16, 2009, is **APPROVED AND ADOPTED** as an order of this court;
2. That the **Defendants' Motion To Dismiss Plaintiff's Second Amended Complaint or for Summary Judgment with Incorporated Brief Authority** [#73] filed June 8, 2009, is **GRANTED**;
3. That under FED. R. CIV. P. 12(b)(6), the plaintiff's **Second Amended Prisoner Complaint** [#69] filed May 18, 2009, is **DISMISSED WITH PREJUDICE**;
4. That **JUDGMENT SHALL ENTER** in favor of the defendants, Elaine Cooper, L.P.C., David Newcomb, C.A.C., III, Lori Lamm-Swanson, L.P.C., and Vicki Rodgers, and against the plaintiff, Joseph James Schneider;
5. That the 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; and

² This standard pertains even though plaintiff is proceeding *pro se*. ***Morales-Fernandez***, 418 F.3d at 1122.

6. That this case is **DISMISSED**.

Dated February 16, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge