

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

Civil Case No. 08-cv-01911-REB-KLM

CLARENCE A. WALKER,

Plaintiff,

v.

ELAINE MEYER,
DENTIST'S ROLD,
LT. CORTNEY,
JILL PITCHER,

Defendants.

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

Blackburn, J.

The matter before me is the **Recommendation of United States Magistrate Judge and Order Denying Motions as Moot** [#119]¹ filed July 28, 2009. No objections having been filed to the recommendation, I review it only for plain error. **See *Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10th Cir. 2005).² Finding no such error in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and

¹ “[#119]” 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.

² This standard pertains even though plaintiff is proceeding *pro se* in this matter. ***Morales-Fernandez***, 418 F.3d at 1122. Of course, 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, 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. Bellmon***, 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)).

adopted.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge and Order Denying Motions as Moot** [#119] filed July 28, 2009, is **APPROVED AND ADOPTED** as an order of this court;

2. That **Defendant Elaine Meyer's Motion For Summary Judgment** [#105] filed May 29, 2009, is **GRANTED**;

3. That **Defendant Dr. Pitcher's Motion For Summary Judgment** [#107] filed May 29, 2009, is **GRANTED**;

4. That plaintiff's claims against defendants, Elaine Meyer and Jill Pitcher, are **DISMISSED WITH PREJUDICE**;

5. That the Trial Preparation Conference, currently scheduled for Friday, October 2, 2009, at 9:30 a.m., as well as the trial, currently set to commence on Monday, October 19, 2009, are **VACATED**;

6. That judgment **SHALL ENTER** on behalf of defendants, Elaine Meyer and Jill Pitcher, against plaintiff, Clarence A. Walker, on all claims for relief and causes of action asserted against them in this action;


7. That judgment further **SHALL ENTER** on behalf of defendants, Lieutenant Harry Courtney, misidentified in the original caption as "Lt. Cortney," and Trent Rold, D.D.S., identified in the caption as "Dentist's (sic) Rold," and against plaintiff, Clarence A. Walker, as to all claims for relief and causes of action asserted against them in this action, in accordance with my prior **Order Adopting Recommendation of United**

States Magistrate Judge [#79] entered April 7, 2009; and

8. That all 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.

Dated September 28, 2009, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge