

**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. COURTNEY, and
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** [#73] filed March 9, 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).¹ Finding no such error in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.²

¹ 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 ___, 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 (1972)).

² Although unlike the magistrate judge, I read plaintiff's complaint as asserting a First Amendment retaliation claim solely against defendants Meyer and Pritcher, I agree that plaintiff has failed to allege sufficient facts to support such a claim against movants Meyer and Courtney in any event.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#73] filed March 9, 2009, is **APPROVED AND ADOPTED** as an order of this court;
2. That **Defendant “Lt. Courtney’s” Motion To Dismiss** [#34] filed October 31, 2008, is **GRANTED**;
3. That **Trent Rold, D.D.S.’ Motion To Dismiss** [#51] filed December 4, 2008, is **GRANTED**;
4. That plaintiff’s claims against defendants, Lieutenant Harry Courtney, misidentified in the caption as “Lt. Courtney,” Trent Rold, D.D.S., are **DISMISSED WITH PREJUDICE**;
5. That at the time final judgment is entered, judgment **SHALL ENTER** on behalf of defendants, Lieutenant Harry Courtney, misidentified in the caption as “Lt. Courtney,” Trent Rold, D.D.S., and against plaintiff, Clarence A. Walker, as to all claims for relief and causes of action; and
6. That at the time final judgment is entered, defendants shall be **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 April 6, 2009, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge

