

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

Civil Case No. 08-cv-02000-REB-KLM

DARRYL EDMOND THOMPSON,

Plaintiff,

v.

BURL McCULLAR, LPC, Employee #2050, S.O.T.M.P. Program QA Specialist, and
RICHARD LINS, LPC, Contract Worker #3464, S.O.T.M.P. Program QA Specialist,

Defendants.

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

Blackburn, J.

This matter is before me on: 1) the defendants' **Motion for Summary Judgment** [#47]¹ filed October 30, 2009; and 2) the **Recommendation of United States Magistrate Judge** [#51] filed December 11, 2009.

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 (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)).

No objections having been filed to the recommendation, and I review it only for plain error. **See *Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116,

¹ “[#47]” 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.

1122 (10th Cir. 2005).² Finding no error, much less plain error, in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.

The plaintiff, Darryl Thompson, is an inmate in the Colorado Department of Corrections. The department of corrections classified Thompson as a sex offender. Thompson alleges that his right to due process of law was violated during the procedures used by the department of corrections to classify Thompson as a sex offender. For the reasons detailed by the magistrate judge in her recommendation [#51], I conclude that the defendants are entitled to judgment as a matter of law.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#51] filed December 11, 2009, is **APPROVED AND ADOPTED** as an order of this court;
2. That the defendants' **Motion for Summary Judgment** [#47] filed October 30, 2009, is **GRANTED**;
3. That **JUDGMENT SHALL ENTER** in favor of the defendants, Burl McCullar and Richard Lins, against the plaintiff, Darryl Edmond Thompson;
4. 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
5. That this case is **DISMISSED WITH PREJUDICE**.

Dated August 20, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge

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