

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior Judge Zita Leeson Weinshienk

Civil Action No. 08-cv-02506-ZLW-BNB

EDWARD ALLEN,

Plaintiff,

v.

ARISTEDES ZAVARAS,  
J. HASSENFRTITZ,  
MS. GRAHAM,  
COLORADO DEPARTMENT OF CORRECTIONS, and  
CORRECTIONS CORPORATION OF AMERICA,

Defendants.

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ORDER

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The matters before the Court are the State Defendants Zavaras And The Colorado Department Of Corrections' Motion To Dismiss The Complaint (Doc. No. 21), the Motion To Dismiss From Defendants Hassenfritz And Corrections Corporation Of America (Doc. No. 34), and the Request For Certificat [sic] Of Class (Doc. No. 47). Pursuant to this Court's Order dated January 14, 2009 (Doc. No. 13), all dispositive motions are referred to Magistrate Judge Boyd N. Boland.<sup>1</sup> On November 12, 2009, Magistrate Judge Boland issued Recommendations that the motions to dismiss be

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<sup>1</sup>See D.C.COLO.LCivR 72.1; 28 U.S.C. § 636(b)(1)(A).

granted in part and denied in part,<sup>2</sup> and the request for class certification be denied.<sup>3</sup> Plaintiff timely filed objections on November 30, 2009.<sup>4</sup> Plaintiff's motions and objections have been liberally construed because he is *pro se*.<sup>5</sup>

The Court has reviewed Plaintiff's objections, Defendants' responses, the Magistrate Judge's Recommendation, and the original motions, responses, and replies. As required by 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b)(3), the Court has reviewed *de novo* the portions of the Recommendations to which Plaintiff objected. The Court overrules these objections and adopts the Recommendations in their entirety. Accordingly, it is

ORDERED that the two Recommendations dated November 12, 2009 (Doc. Nos. 85 & 86) are accepted and adopted in their entirety. It is

FURTHER ORDERED that the State Defendants Zavaras And The Colorado Department Of Corrections' Motion To Dismiss The Complaint (Doc. No. 21; Mar. 18, 2009) is granted in part and denied in part. It is

FURTHER ORDERED that the Motion To Dismiss From Defendants Hassenfritz And Corrections Corporation Of America (Doc. No. 34; Apr. 21, 2009) is granted. It is

FURTHER ORDERED that the Request For Certificat [sic] Of Class (Doc. No. 47; May 22, 2009) is denied. It is

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<sup>2</sup>Recommendation Of United States Magistrate Judge (Doc. No. 85; Nov. 12, 2009).

<sup>3</sup>Recommendation Of United States Magistrate Judge (Doc. No. 86; Nov. 12, 2009).

<sup>4</sup>Doc. No. 93.

<sup>5</sup>See Trackwell v. United States, 472 F.3d 1242, 1243 (10th Cir. 2007).

FURTHER ORDERED that Defendants J. Hassenfritz, Ms. Graham, Colorado Department of Corrections, and Corrections Corporation of America are dismissed.

DATED at Denver, Colorado, this 28<sup>th</sup> day of June, 2010.

BY THE COURT:

A handwritten signature in blue ink that reads "Zita Leeson Weinsienk". The signature is written in a cursive style and is positioned above a horizontal line.

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ZITA LEESON WEINSHIENK, Senior Judge  
United States District Court