

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

Civil Case No. 08-cv-02654-REB-KMT

ALEX MEDINA,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS, and
MARGARET HEIL, in her individual and official capacity,

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** [#16]¹ filed March 9, 2009; and (2) the **Recommendation of United States Magistrate Judge** [#24] filed September 23, 2009. The plaintiff did not file a response to the motion to dismiss. No objections to the recommendation have been filed. Therefore, I review the recommendation only for plain error. *See Morales-Fernandez v. 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,

¹ “[#16]” 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*. *Morales-Fernandez*, 418 F.3d at 1122.

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** [#24] filed September 23, 2009, is **APPROVED AND ADOPTED** as an order of this court;

2. That the defendants' **Motion To Dismiss** [#16] filed March 9, 2009, is **GRANTED**;

3. That under FED. R. CIV. P. 12(b)(6), the plaintiff's **Prisoner Complaint** [#3] filed December 8, 2008, is **DISMISSED WITH PREJUDICE**;


4. That **JUDGMENT SHALL ENTER** in favor of the defendants, Colorado Department of Corrections and Margaret Heil, and against the plaintiff, Alex Medina;

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

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

Dated February 16, 2010, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge