

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

Civil Case No. 09-cv-00947-REB-KMT

MICHAEL DUANE WINDSOR,

Plaintiff,

v.

DR. MICHAEL DAVID AASEN, and
MS. CATHIE HOLST,

Defendants.

**OVERRULING OBJECTION TO AND ADOPTING
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matters before me are (1) the **Recommendation of United States Magistrate** [#48], filed March 22, 2010; and (2) **Plaintiffs** (sic) **Objection to Magistrates** (sic) **Recommendation** [#51], filed April 26, 2010. I overrule the objection, adopt the recommendation, and dismiss plaintiff's section 1983 claims.

As required by 28 U.S.C. § 636(b), I have reviewed *de novo* all portions of the recommendation to which objections have been filed, and have considered carefully the recommendation, objections, and applicable caselaw. Moreover, 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. Belmon***, 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)). The recommendation is detailed and well-reasoned. Contrastingly, plaintiff's objections are without merit.

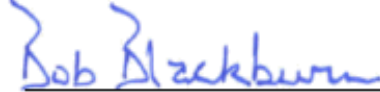
Therefore, I find and conclude that the arguments advanced, authorities cited, and findings of fact, conclusions of law, and recommendation proposed by the magistrate judge should be approved and adopted.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#48], filed March 22, 2010, is **APPROVED AND ADOPTED** as an order of this court;
2. That the objections stated in **Plaintiffs** (sic) **Objection to Magistrates** (sic) **Recommendation** [#51], filed April 26, 2010, are **OVERRULED**;
3. That **Defendants' Motion for Summary Judgment** [#19], filed September 4, 2009, is **GRANTED**;
4. That all claims for relief and causes of action asserted by plaintiff against defendants in this action are **DISMISSED WITH PREJUDICE**;
5. That judgment **SHALL ENTER** on behalf of defendants, Dr. Michael David Aasen, M.D., and Ms. Cathie Holst, and against plaintiff, Michael Duane Windsor, on all claims for relief and causes of action asserted in this action; and
6. That 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 May 7, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge