

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

Civil Case No. 09-cv-01419-REB-BNB

JAMES R. HEFFLIN,

Plaintiff,

v.

SLEETER DOVER, Executive Director, Wyoming State Bar,

Defendant.

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

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**Blackburn, J.**

On December 30, 2009, I entered an **Order Adopting Recommendation of the United States Magistrate Judge** [#13]. However, I neglected to address the magistrate judge's recommendation that this case be transferred to the United States District Court for the District of Wyoming.<sup>1</sup> I now vacate that order and enter this amended order to rectify the inadvertent oversight.

Once again, the matter before me is the **Recommendation of United States Magistrate Judge** [#12] filed December 2, 2009. No objections having been filed to the recommendation, I review it only for plain error. ***See Morales-Fernandez v.***

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<sup>1</sup> Although the magistrate judge did not analyze the transfer issue, it is clear that Wyoming is a district "in which [the case] could have been brought." 28 U.S.C. § 1406(a); ***see*** 42 U.S.C. § 2000e-5(f)(3) (venue under Title VII proper, *inter alia*, "in any judicial district in the State in which the unlawful employment practice is alleged to have been committed").


***Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10<sup>th</sup> Cir. 2005).<sup>2</sup> Finding no such error in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.<sup>3</sup>

**THEREFORE, IT IS ORDERED** as follows:

1. That my **Order Adopting Recommendation of the United States Magistrate Judge** [#13] entered December 30, 2009, is **VACATED**;
2. That the **Recommendation of United States Magistrate Judge** [#12] filed December 2, 2009, is **APPROVED AND ADOPTED** as an order of this court;
3. That **Defendant's Motion To Dismiss** [#5] filed July 20, 2009, is **GRANTED**;
4. That plaintiff's claims against defendant are **DISMISSED WITHOUT PREJUDICE** for lack of venue in this district; and
5. That this case is **TRANSFERRED** to the United States District Court for the District of Wyoming.

Dated December 31, 2009, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge

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

<sup>3</sup> In addition to the lack of venue in this district noted by the magistrate judge, I perceive that plaintiff's case also could be dismissed for lack of personal jurisdiction over defendant in Colorado.