

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

Civil Action No. 09-cv-01476-ZLW-KMT

GERARD M. VUOLO,

Plaintiff,

v.

GARFIELD COUNTY SHERIFFS;
SHERIFF LOU VALLARIO;
GLENWOOD SPRINGS POLICE DEPARTMENT;
OFFICER LA ROCHA;
OWNERS (UNKNOWN) OF BUSINESS "SMOKERS FRIENDLY"; and
POLICE CHIEF TERRY WILSON,

Defendants.

ORDER

The matter before the Court is the Glenwood Springs' Defendants Motion To Dismiss (Doc. No. 8) and Defendants Garfield County Sheriffs and Sheriff Lou Vallario's Motion To Dismiss (Doc. No. 10). Pursuant to this Court's Order dated June 26, 2009 (Doc. No. 4), all dispositive motions are referred to Magistrate Judge Kathleen M. Tafoya.¹ On October 1, 2009, Magistrate Judge Tafoya issued a Recommendation that the motions to dismiss should be granted.² Plaintiff timely filed objections on October

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

²Recommendation Of United States Magistrate Judge (Doc. No. 40; Oct. 1, 2009).

14, 2009.³ Plaintiff's motions and objections have been liberally construed because he is *pro se*.⁴

The Court has reviewed Plaintiff's objections, Defendants' responses, the Magistrate Judge's Recommendation, and the original motions, responses, and replies. The Court is required to review *de novo* any part of the Recommendation that has been properly objected to.⁵ However, even liberally construing the objections, the Court finds that Plaintiff has not properly presented any cognizable objection that requires *de novo* review.⁶ Therefore, Plaintiff has waived *de novo* review of this Recommendation.

The Court finds the Recommendation is neither "clearly erroneous [nor] contrary to law."⁷ Rather, the Court finds the Magistrate Judge's order is clear, well reasoned, and correct. Accordingly, it is

ORDERED that Plaintiff's objections (Doc. No. 44; Oct. 14, 2009) are overruled. It is

FURTHER ORDERED that the Recommendation (Doc. No. 40; Oct. 1, 2009) is accepted and adopted in its entirety. It is

FURTHER ORDERED that the Glenwood Springs' Defendants Motion To Dismiss (Doc. No. 8; July 2, 2009) is granted. It is

³Doc. No. 44.

⁴See Trackwell v. United States, 472 F.3d 1242, 1243 (10th Cir. 2007).

⁵28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)

⁶An objection must be "sufficiently specific to focus the district court's attention on the factual and legal issues that are truly in dispute." United States v. One Parcel of Real Property, 73 F.3d 1057, 1060 (10th Cir. 1996).

⁷See 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a).

FURTHER ORDERED that Defendants Garfield County Sheriffs and Sheriff Lou Vallario's Motion To Dismiss (Doc. No. 10; July 14, 2009) is granted. It is

FURTHER ORDERED that Defendants Glenwood Springs Police Department, Garfield County Sheriff's Department, Police Chief Terry Wilson, and Sheriff Lou Vallario are dismissed.

DATED at Denver, Colorado, this 23rd day of November, 2009.

BY THE COURT:



ZITA LEESON WEINSHIENK, Senior Judge
United States District Court