

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

Civil Case No. 09-cv-02033-REB-KLM

DOYLE HOLT, SR.,

Plaintiff,

v.

RALPH A. GAGLIARDI, Detective Sgt., Trinidad Police Department,

Defendant.

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

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**Blackburn, J.**

The matter before me is the **Recommendation of United States Magistrate Judge** [#36] filed July 26, 2010. No objections having been filed to the recommendation, I review it only for plain error. *See Morales-Fernandez v. Immigration & Naturalization Service*, 418 F.3d 1116, 1122 (10<sup>th</sup> Cir. 2005).<sup>1</sup> Finding no such error in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.

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

1. That the **Recommendation of United States Magistrate Judge** [#36] filed July 26, 2010, is **APPROVED AND ADOPTED** as an order of this court;

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<sup>1</sup> This standard pertains even though plaintiff is proceeding *pro se* in this matter. *Morales-Fernandez*, 418 F.3d at 1122. Of course, 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 (10<sup>th</sup> Cir. 2007); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10<sup>th</sup> Cir. 1991) (citing *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652 (1972)).

2. That **Defendant's Motion For Judgment on the Pleadings** [#29] filed June 16, 2010, is **GRANTED**;

3. That plaintiff's claims against defendant are **DISMISSED WITH PREJUDICE**;

4. That the Trial Preparation Conference, currently scheduled for Friday, December 17, 2010, at 10:30 a.m., as well as the trial, currently set to commence on Monday, January 3, 2011, are **VACATED**;

5. That judgment **SHALL ENTER** on behalf of defendant, Ralph A. Gagliardi, Detective Sgt., Trinidad Police Department, against plaintiff, Doyle Holt, Sr., as to all claims for relief and causes of action asserted in this action; and

6. That defendant, Ralph A. Gagliardi, Detective Sgt., Trinidad Police Department, is **AWARDED** his 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 October 25, 2010, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge