

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

Civil Case No. 09-cv-03014-REB-CBS

MICHAEL REA, and
CHARLES MEDICINE BLANKET,

Plaintiffs,

v.

COLORADO DEPT. OF CORRECTIONS,

Defendant.

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

Blackburn, J.

This matter is matter before me on the following: (1) plaintiffs' **Motion for a Prohibitory Injunction pursuant to Fed. R. Civ. P. 65(a)** [#25]¹ filed April 9, 2010; (2) defendant's **Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6)** [#36] filed May 14, 2010; and (3) the **Recommendation of United States Magistrate Judge** [#55] filed December 7, 2010. No objections to the recommendation have been filed and, therefore, I review it only for plain error. *See Morales-Fernandez v. Immigration & Naturalization Service*, 418 F.3d 1116, 1122 (10th Cir. 2005).² Finding no error, much less plain error, in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.

¹ “[#25]” 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* in this matter. *Morales-Fernandez*, 418 F.3d at 1122.

The plaintiffs are prison inmates who engage in Native American religious practices. In their complaint [#3] they allege two claims and assert various claims for relief related to the regulation of their religious practices by the Colorado Department of Corrections. The detailed analysis of the magistrate judge demonstrates why the plaintiff have failed to state claims on which relief can be granted and why the plaintiffs' claims for monetary damages are barred by the Eleventh Amendment. In addition, the magistrate judge analyzes correctly the reasons why the plaintiffs' motion for preliminary injunction must be denied. Further expatiation of the analysis of the magistrate judge is not necessary.


THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#55] filed December 7, 2010, is **APPROVED AND ADOPTED** as an order of this court;
2. That the plaintiffs' **Motion for a Prohibitory Injunction pursuant to Fed. R. Civ. P. 65(a)** [#25] filed April 9, 2010, is **DENIED**;
3. That under FED. R. CIV. P. 12(b)(1) and (6), the defendant's **Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6)** [#36] filed May 14, 2010, is **GRANTED**;
4. That **JUDGMENT SHALL ENTER** in favor of the defendant, Colorado Dept. of Corrections, against the plaintiffs, Michael Rea and Charles G. Medicine Blanket;
5. That the defendant, Colorado Dept. of Corrections, is **AWARDED** its 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** and **CLOSED**.

Dated January 13, 2011, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge