

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

Civil Case No. 10-cv-00127-REB-KMT

JOHN-ARTHUR: TAYLOR JR,

Plaintiff,

v.

CASPER CITY COUNCIL CORPORATION MEMBERS, et al,

Defendants.

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

Blackburn, J.

The matters before me are (1) the **Recommendation of a United States Magistrate** [#40], filed April 14, 2010; and (2) the objections contained in plaintiff's **Notice of Refusal of Recommendation Demand for Removal of Magistrate on Incompetence, Bias and Prejudice** [#42], filed April 26, 2010. I overrule the objections, adopt the recommendation, and dismiss this case without prejudice for lack of personal jurisdiction over defendants in this forum.

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)¹; **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 a United States Magistrate Judge** [#40], filed April 14, 2010, is **APPROVED AND ADOPTED** as an order of this court;

2. That the objections contained in plaintiff's **Notice of Refusal of Recommendation Demand for Removal of Magistrate on Incompetence, Bias and Prejudice** [#42], filed April 26, 2010, are **OVERRULED**;

3. That the **State Defendants' Motion and Memorandum in Support of Motion To Dismiss** [#10], filed February 23, 2010, is **GRANTED** on the basis of lack of personal jurisdiction over defendants;

4. That the **Local Government Defendants' Combined Motion To Dismiss and Memorandum in Support Thereof** [#12], filed February 25, 2010, is **GRANTED** on the basis of lack of personal jurisdiction over defendants;

¹ Although plaintiff has over time included other "real parties in interest" as putative plaintiffs in the caption of and as signatories to his pleadings, he is the only plaintiff named in the operative complaint and has never moved to amend the complaint to join any other party plaintiff.

5. That any motion or other request for relief, including, but not limited to, plaintiff's **Demand for Evidentiary Disclosure from John W. Renneisen, Megan Elizabeth Goetz and Michael (Greg) G. Weisz** [#37], filed April 6, 2010, which is currently pending in this action, is **DENIED AS MOOT**; and

6. That this action is **DISMISSED WITHOUT PREJUDICE** for lack of personal jurisdiction over defendants in this forum.

Dated May 7, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge