

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

Civil Case No. 10-cv-00302-REB-MEH

SHERRI LAFORCE,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,
ANNA MARIA PETERS-RUDDICK, as Public Trustee for Arapahoe County, Colorado,

Defendants.

ORDER ADOPTING RECOMMENDATIONS OF THE
UNITED STATES MAGISTRATE JUDGE

Blackburn, J.

This matter is matter before me on: (1) the **Motion To Dismiss of Ana Maria Peters-Ruddick, Public Trustee of Arapahoe County** [#3]¹ filed in this court on February 12, 2010; (2) the **Recommendation To Strike Amended Complaint** [#23] filed March 2, 2010; (3) the **Recommendation on Motion To Dismiss** [#39] filed June 14, 2010. I approve and adopt both recommendations and I grant the motion to dismiss.

Because the plaintiff is proceeding *pro se*, I have construed her 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 (2007); **Andrews v. Heaton**, 483 F.3d 1070, 1076 (10th Cir. 2007); **Hall v. Bellmon**, 935 F.2d 1106, 1110 (10th Cir.

¹ “[#3]” 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.

1991). No objections² to the recommendations have been filed and, therefore, I review them only for plain error. **See *Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10th Cir. 2005).³ Finding no error, much less plain error, in the magistrate judge's recommendations, I find and conclude that the recommendations should be approved and adopted.

The plaintiff filed this case in an effort to stop foreclosure proceedings against her property. In his **Recommendation To Strike Amended Complaint** [#23], the magistrate judge recommends that the plaintiff's proposed amended complaint [#15] be stricken for failure to comply with the requirements of FED. R. CIV. P. 15(a)(2). The plaintiff is required to follow the requirements of FED. R. CIV. P. 15(a)(2) before filing an amended complaint, and did not comply with those requirements before filing her proposed amended complaint [#15]. That proposed amended complaint must be stricken. Defendant Ana Maria Peters-Rudduck is the Public Trustee for Arapahoe County, Colorado. Peters-Ruddick filed the pending motion to dismiss [#3]. The magistrate judge analyzes correctly the issues presented in Peters-Ruddick's motion to dismiss. The motion to dismiss is granted.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation To Strike Amended Complaint** [#23] filed March 2, 2010, is **APPROVED AND ADOPTED** as an order of this court;

² In his **Recommendation To Strike Amended Complaint** [#23], the magistrate judge recommends that the plaintiff's proposed amended complaint [#15] be stricken for failure to comply with the requirements of FED. R. CIV. P. 15(a)(2). Shortly after this recommendation was filed, the plaintiff filed a document captioned as **Amendment to Motion To Find for Plaintiff's Suit To Stop Unlawful Foreclosure** [#24]. Even if I give this document a liberal construction, I cannot reasonably construe it as an objection to the recommendation [#23]. Even if I construe the motion [#24] as an objection, I conclude that the motion does not state any arguable basis to reject the recommendation [#23].

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

2. That the plaintiff's proposed amended complaint [#15], captioned as

Amendment To Suit To Stop Unlawful Foreclosure [#15], filed February 23, 2010, is

STRICKEN based on the plaintiff's failure to comply with the requirements of FED. R.

CIV. P. 15(a)(2);

3. That the **Recommendation on Motion To Dismiss** [#39] filed June 14, 2010, is **APPROVED AND ADOPTED** as an order of this court; and

4. That the **Motion To Dismiss of Ana Maria Peters-Ruddick, Public Trustee of Arapahoe County** [#3] filed in this court on February 12, 2010, is **GRANTED**; and

5. That defendant Anna Maria Peters-Ruddick, as Public Trustee for Arapahoe County, Colorado, is **DROPPED** as a defendant in this action, and the caption of this case shall be **AMENDED** accordingly.

Dated September 20, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge