

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

Civil Case No. 10-cv-00483-REB-BNB

CHRIS TILLOTSON,

Plaintiff,

v.

SGT. T. J. McCOY, Sheridan Police,

Defendant.

---

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

---

**Blackburn, J.**

The matters before me are (1) the **Recommendation of United States Magistrate Judge** [#58] filed October 5, 2010; (2) the objections contained in plaintiff's **Motion for Relief** [#62] filed October 13, 2010; (3) the **Recommendation of United States Magistrate Judge** [#66], filed November 2, 2010; and (4) plaintiff's **Objection** [#67], filed November 9, 2010. I overrule the objections, adopt the recommendations, deny the motion to amend the complaint, and dismiss this action for failure to prosecute.

As required by 28 U.S.C. § 636(b), I have reviewed *de novo* all portions of the recommendations to which objections have been filed, and have considered carefully the recommendations, 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); ***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)). The recommendation is detailed and well-reasoned. Plaintiff's objections are imponderous and without merit. In particular, plaintiff is simply mistaken in his belief that it is anyone's responsibility other than his own to locate and provide a proper address for the defendant such that service can be accomplished.<sup>1</sup> **See Patillo v. Larned State Hospital**, 2010 WL 2719054 at\*1 (D. Kan. July 7, 2010) (citing **Lee v. Armontrout**, 991 F.2d 487, 489 (8<sup>th</sup> Cir. 1993) (cautioning *pro se, in forma pauperis* plaintiff that complaint must include addresses and any other identifying information sufficient to permit the United States Marshal to effect service on these defendants); **Hill v. Ortiz**, 2008 WL 2020289 at \*6 (D. Colo. May 9, 2008) ("The court need not require the U.S. Marshal or the Clerk of the Court to search for Defendants . . .").

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 United States Magistrate Judge** [#58] filed October 5, 2010, is **APPROVED AND ADOPTED** as an order of this court;

2. That the **Recommendation of United States Magistrate Judge** [#66] filed November 2, 2010, also is **APPROVED AND ADOPTED** as an order of this court;

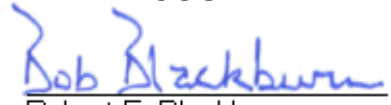
---

<sup>1</sup> Moreover, to the extent plaintiff uses his objections to request other substantive relief, such requests are not properly presented. **See DC.COLO.LCivR 7.1C** ("A motion shall be made in a separate paper.").

3. That the objections contained in plaintiff's **Motion for Relief** [#62], filed October 13, 2010, are **OVERRULED**;
4. That plaintiff's **Objection** [#67], filed November 9, 2010, is **OVERRULED**;
5. That the motion for leave to amend the complaint contained in plaintiff's **Motion for Relief** [#62] filed October 13, 2010, is **DENIED**;
6. That this case is **DISMISSED WITHOUT PREJUDICE** for failure to effect timely service of process and failure to prosecute; and
7. That judgment **SHALL ENTER** on behalf of defendant, T.J. McCoy, and against plaintiff, Chris Tillotson, as to all claims for relief and causes of action; provided, that the judgment **SHALL BE** without prejudice.

Dated November 19, 2010, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge