

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

Civil Case No. 10-cv-00670-REB-MEH

MARK BURRIS, and  
LORI BURRIS,

Plaintiffs,

v.

US BANK NATIONAL ASSOCIATION (sic) as trustee for the BS Alta 2006-3, and  
JOHN AND JANE DOE, unknown owners of securitized note,

Defendants.

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

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**Blackburn, J.**

This matter is matter before me on the following: (1) **Motion of Defendants US Bank National Association as Trustee for BS ALTA 2006-3 and GMAC Bank To Dismiss Plaintiffs' Complaint for Failure to Effect Service of Process** [#26]<sup>1</sup> filed August 18, 2010; and (2) the magistrate judge's **Recommendation on Defendants' Motion To Dismiss** [#29] filed September 29, 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 (10<sup>th</sup> Cir. 2005).<sup>2</sup> Finding no error, much less plain error, in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be

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<sup>1</sup> “[#26]” 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.

<sup>2</sup> This standard pertains even though plaintiff is proceeding *pro se* in this matter. ***Morales-Fernandez***, 418 F.3d at 1122.

approved and adopted.

The plaintiffs are proceeding *pro se* in this case. It took the plaintiffs some time to determine how properly to serve a summons and the complaint on the defendants. As detailed by the magistrate judge, however, the plaintiffs have demonstrated good-faith and repeated efforts to effect proper service on the defendants. Given the circumstances described by the magistrate judge in his recommendation, I agree with his recommendation that the motion to dismiss be denied.

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

1. That the magistrate judge's **Recommendation on Defendants' Motion To Dismiss** [#29] filed September 29, 2010, is **APPROVED AND ADOPTED** as an order of this court; and

2. That the **Motion of Defendants US Bank National Association as Trustee for BS ALTA 2006-3 and GMAC Bank To Dismiss Plaintiffs' Complaint for Failure to Effect Service of Process** [#26] filed August 18, 2010, is **DENIED**.

Dated February 11, 2011, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge