

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

Civil Case No. 10-cv-01925-REB-KLM

RONALD NAGIM, and
JANET NAGIM,

Plaintiffs,

v.

STEPHEN IRVING,
JOSEPH E. ABRAHAM, JR.,
SANDRA ABRAHAM,
JOSEPH E. ABRAHAM, III,
ALICIA PELLEGRIN, and
LOUISIANA STATE UNIVERSITY,

Defendants.

ORDER ADOPTING RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE

Blackburn, J.

The matter before me is the **Recommendation of United States Magistrate Judge** [#43] filed October 19, 2010. No objections having been filed to the recommendation, I review it only for plain error. *See Morales-Fernandez v. Immigration & Naturalization Service*, 418 F.3d 1116, 1122 (10th Cir. 2005).¹ Finding no such error in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.

¹ This standard pertains even though plaintiffs are proceeding *pro se* in this matter. *Morales-Fernandez*, 418 F.3d at 1122.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#43] filed October 19, 2010, is **APPROVED AND ADOPTED** as an order of this court;

2. That the **12b(1), 12b(2), 12b(3) and 12b(6) Motion To Dismiss** [#6] filed August 12, 2010, by defendants, Stephen Irving, Joseph E. Abraham, Jr., Sandra Abraham, and Joseph E. Abraham, III, is **GRANTED** for lack of personal jurisdiction over these defendants in this forum;

3. That **Defendant Alicia Pellegrin's Motion To Dismiss Pursuant to Fed.R.Civ.P. 12(b)(2) and 12(b)(6)** [#13] filed August 13, 2010, is **GRANTED** for lack of personal jurisdiction over this defendant in this forum;

4. That plaintiffs' claims against defendants, Stephen Irving, Joseph E. Abraham, Jr., Sandra Abraham, Joseph E. Abraham, III, and Alicia Pellegrin are **DISMISSED WITHOUT PREJUDICE**;

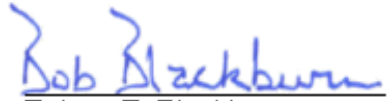
5. That plaintiffs' claims against defendant, Louisiana State University, are **DISMISSED WITH PREJUDICE** for lack of subject matter jurisdiction pursuant to the Eleventh Amendment;

6. That judgment **SHALL ENTER** on behalf of defendants, Stephen Irving, Joseph E. Abraham, Jr., Sandra Abraham, Joseph E. Abraham, III, and Alicia Pellegrin, against plaintiffs, Ronald Nagim and Janet Nagim, as to all claims for relief and causes of action asserted against these defendants; provided, however, that judgment as to these defendants **SHALL BE** without prejudice; and

7. That judgment **SHALL ENTER** on behalf of defendant, Louisiana State University, against plaintiffs, Ronald Nagim and Janet Nagim, as to all claims for relief and causes of action asserted against it; provided, furthermore, that judgment as to this defendant **SHALL BE** with prejudice.

Dated November 19, 2010, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge