

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 10-cv-01992-CMA-MJW

SHAWN D. ALLEN,

Plaintiff,

v.

CORRECTIONS CORP. OF AMERICA (a Private for Profit Corporation),
J. GARY,
N. ARREDONDO,
LT. PHILLIPS, and
C. BLAKE,

Defendants.

**ORDER ADOPTING AND AFFIRMING MAY 8, 2012
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge Michael J. Watanabe pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72. (Doc. # 16.) On May 8, 2012, the Magistrate Judge issued a Recommendation (Doc. # 112) on Defendants' Motion for Summary Judgment (Doc. # 82) and Plaintiff's Cross-Motion for Summary Judgment (Doc. # 87). The Magistrate Judge advised this Court to grant Defendants' Motion and to deny Plaintiff's Cross-Motion. (Doc. # 112 at 20.) Plaintiff filed Objections to the Recommendation on May 18, 2012 (Doc. # 118), to which Defendants responded on May 29, 2012. (Doc. # 119.)

When a magistrate judge issues a recommendation on a dispositive matter, Fed. R. Civ. P. 72(b)(3) requires that the district judge “determine *de novo* any part of the magistrate judge’s [recommended] disposition that has been properly objected to.” In conducting its review, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” *Id.*

In the instant case, Plaintiff does not “properly object[]” to any part of the Recommendation because he fails to challenge any specific factual finding or legal conclusion. Instead, his Objections consist of conclusory statements accusing the Magistrate Judge of “turn[ing] a blind eye to the facts” and asserting that the Magistrate Judge should have “been recused . . . [due to his] biased and bizarre recommendation.” (Doc. # 118 at 1.) Therefore, Plaintiff’s Objections do not trigger *de novo* review. Nonetheless, the Court has conducted a *de novo* review of this matter, carefully reviewing all relevant pleadings, the Recommendation, Plaintiff’s Objections to the Recommendation, and Defendants’ Response thereto. Based on this *de novo* review, the Court finds the Magistrate Judge’s Recommendation to be correct and further finds that the Recommendation is not called into question by Plaintiff’s Objections.

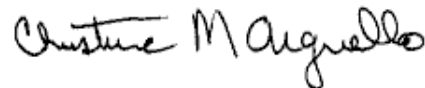
Accordingly, it is ORDERED that:

1. The Recommendation of the United States Magistrate Judge (Doc. # 112), filed May 8, 2012, is AFFIRMED and ADOPTED as an Order of this Court.
2. Plaintiff’s Objections (Doc. # 118) are OVERRULED.

3. Pursuant to the Recommendation:
 - a. Defendants' Motion for Summary Judgment (Doc. # 82) is GRANTED.
 - b. Plaintiff's Cross-Motion for Summary Judgment (Doc. # 87) is DENIED.
4. Pursuant to 28 U.S.C. § 1915(a)(3), any appeal from this order will not be taken in good faith and, therefore, *in forma pauperis* status would be denied for the purpose of the appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Plaintiff files a notice of appeal, he would be required to pay the full \$455 appellate filing fee or file a motion to proceed *in forma pauperis* in the United States Court of Appeals for the Tenth Circuit within thirty days, in accordance with Fed. R. App. P. 24.
5. This case is DISMISSED WITH PREJUDICE.

DATED: May 31, 2012

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge