

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

Civil Case No. 10-cv-02163-REB-CBS

MARGE ALLEY,

Plaintiff,

v.

AURORA LOAN SERVICES,

Defendant.

ORDER ADOPTING RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE

Blackburn, J.

The matter before me is the United States magistrate judge's **Recommendation on Pending Motions** [#35]¹ filed July 21, 2011. 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).² Finding no such error in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.

¹ "[#35]" 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.


² This standard pertains even though plaintiff is proceeding *pro se* in this matter. *Morales-Fernandez*, 418 F.3d at 1122. In addition, because 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, 127 S. Ct. 2197, 2200, 167 L.Ed.2d 1081 (2007); *Andrews v. Heaton*, 483 F.3d 1070, 1076 (10th Cir. 2007); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991) (citing *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652 (1972)).

THEREFORE, IT IS ORDERED as follows:

1. That the magistrate judge's **Recommendation on Pending Motions** [#35] filed July 21, 2011, is **APPROVED AND ADOPTED** as an order of this court;
2. That **Defendant's Motion To Dismiss Pursuant to Fed.R.Civ.P. 12(b)(6)** [#14] filed September 29, 2010, is **GRANTED**;
3. That plaintiff's **Petition for Temporary Injunction** [#2] filed September 3, 2010, is **DENIED**;
4. That plaintiff's **Petition for Restraining Order** [#3] filed September 3, 2010, is **DENIED**;
5. That plaintiffs' claims against defendant are **DISMISSED WITHOUT PREJUDICE** for failure to state claims on which relief may be granted;
6. That judgment **SHALL ENTER** on behalf of defendant, Aurora Loan Services, against plaintiff, Marge Alley, as to all claims for relief and causes of action asserted against these defendants; provided, that judgment as to these defendants **SHALL BE** without prejudice; and
7. That defendant is **AWARDED** its costs, to be taxed by the Clerk of the Court pursuant to Fed.R.Civ.P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated August 26, 2011, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge