

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

Civil Case No. 10-cv-02206-REB-BNB

GREGORY LAY LISCO,

Plaintiff,

v.

DR. TIM CREANY, MD, Medical Provider, Fremont Correctional Facility,
MICHAEL S. WALSH, Physician Assistant, Fremont Correctional Facility,
DR. WRIGHT, MD, Medical Provider, Cheyenne Mountain Re-Entry Center,
NURSE SERENE BEALL, Intake Nurse, Cheyenne Mountain Re-Entry Center,
OC BAKER, Intake Technician, Cheyenne Mountain Re-Entry Center,
MS. TREDWAY, Case Manager, Cheyenne Mountain Re-Entry Center, and
MR. LONDON, Case Manager, Cheyenne Mountain Re-Entry Center,

Defendants.

**ORDER ADOPTING RECOMMENDATIONS OF
UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

This matter is before me on the following: (1) the plaintiff's **Motion for TRO and/or Preliminary Injunction pursuant to Fed.R. Civ.P, 65** [#9]¹ filed October 4, 2010; (2) defendants Creany and Walsh's **Motion To Dismiss** [#37] filed February 16, 2011; (3) the **Recommendation of United States Magistrate Judge** [#63] filed July 28, 2011; and (4) the **Recommendation of United States Magistrate Judge** [#64] filed July 28, 2011. No party has filed objections to the recommendations. I approve and adopt the recommendations, deny the plaintiff's motion for temporary restraining order,

¹ "[#9]" 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.

and grant the motion to dismiss of defendants Creany and Walsh.

Because the plaintiff is proceeding *pro se*, I have construed his pleadings and other filings 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 (2007); ***Andrews v. Heaton***, 483 F.3d 1070, 1076 (10th Cir. 2007); ***Hall v. Bellmon***, 935 F.2d 1106, 1110 (10th Cir. 1991).

Because no party filed objections to the recommendations, I review the recommendations only for plain error. **See *Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10th Cir. 2005).² Finding no error, much less plain error, in the magistrate judge's recommended dispositions, I approve and adopt the recommendations, deny the motion for temporary restraining order and preliminary injunction, and grant the motion to dismiss.

The plaintiff's complaint concerns medical treatment he received for an injury he suffered while incarcerated in the Colorado Department of Corrections. Addressing the motion for temporary restraining order [#9] and the motion to dismiss [#37], the magistrate judge details correctly the applicable legal standards and applies those standards correctly to the plaintiff's allegations. Based on this analysis, the magistrate judge's recommendations that the motion for temporary restraining order [#9] be denied and the motion to dismiss [#37] be granted are correct.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#63] filed July 28, 2011, is **APPROVED** and **ADOPTED** as an order of this court;

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

2. That the **Recommendation of United States Magistrate Judge** [#64] filed July 28, 2011, is **APPROVED** and **ADOPTED** as an order of this court;

3. That the plaintiff's **Motion for TRO and/or Preliminary Injunction** pursuant to **Fed.R. Civ.P, 65** [#9] filed October 4, 2010, is **DENIED**;

4. That under FED. R. CIV. P. 12(b)(6), the **Motion To Dismiss** [#37] filed February 16, 2011, by defendants, Dr. Tim Creany, M.D., and Michael S. Walsh, is **GRANTED**;

5. That all of the plaintiff's claims against defendants, Dr. Tim Creany, M.D., and Michael S. Walsh, are **DISMISSED** with prejudice;

6. That defendants, Dr. Tim Creany, M.D., and Michael S. Walsh, are **DROPPED** from this action, and the caption of this case shall be **AMENDED** accordingly.

Dated September 16, 2011, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge