

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

Civil Case No. 10-cv-02862-REB-KLM

DEAN CARBAJAL,

Plaintiff,

v.

MYRL SERRA, in his individual capacity, et al.,

Defendants.

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

Blackburn, J.

This matter is before me on the following: (1) the plaintiff's **Corrected Petition for Federal Injunction Pursuant to Fed. R. Civ. P. 65** [#375]¹ filed September 11, 2012; and (2) the **Recommendation of United States Magistrate Judge** [#414] filed November 13, 2012. The plaintiff filed an objection [#425] to the recommendation, and the defendants filed responses [#426 & #427] to the plaintiff's objection. I overrule the objections, approve and adopt the recommendation, and deny the motion for an injunction.

As required by 28 U.S.C. § 636(b), I have reviewed *de novo* all portions of the recommendation to which the plaintiff objects. I have considered carefully the recommendation, the objection, the responses to the objection, and the applicable case

¹ “[#375]” 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.

law.

The plaintiff is proceeding *pro se*. Thus, 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).


The factual allegations that are the basis of the plaintiff's complaint and his motion for an injunction present a series of events that took place over several years. These allegations have been summarized in several orders and recommendations entered by the court. Thus, I will not repeat those summaries here. Based on the record in this case, I agree with the conclusion of the magistrate judge that the plaintiff has not demonstrated that he will suffer imminent irreparable injury if the injunction he requests is not granted. On that basis, the magistrate judge properly denied the plaintiff's motion for an injunction.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#414] filed November 13, 2012, is **APPROVED** and **ADOPTED** as an order of this court;
2. That the objections stated in plaintiff's objection [#425] are **OVERRULED**;
3. That the plaintiff's **Corrected Petition for Federal Injunction Pursuant to Fed. R. Civ. P. 65** [#375] filed September 11, 2012, is **DENIED**.

Dated March 6, 2013, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge