

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

Civil Case No. 11-cv-00145-REB-BNB

RANDY KAILEY,

Plaintiff,

v.

RUEBEN BASTIDOS, individually, and in his official capacity as Swing Shift Security Commander for the Colorado Territorial Correctional Facility,  
THOMAS BENTLEY, individually, and in his official capacity as Swing Shift Security Staff officer for the Colorado Territorial Correctional Facility,  
GREGORY BRADFORD, individually, and in his official capacity as Swing Shift Security Staff Officer for the Colorado Territorial Correctional Facility, John Doe 1 AND 2, in their individual capacities and as Officers for the Sterling, Colorado and Colorado Territorial Correctional Facilities,  
MARK BUTTONS, individually, and in his official capacity as Day Shift Kitchen Line Officer for the Colorado Territorial Correctional Facility,  
MARY KEEGAN, individually, and in her official capacity as Day Shift Kitchen Line officer for the Colorado Territorial Correctional Facility, and  
WALTER FORWARD, individually, and in his official capacity as Day Shift Maintenance officer for the Colorado Correctional Facility,

Defendants.

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

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**Blackburn, J.**

The matter before me is the **Recommendation of United States Magistrate Judge** [#45]<sup>1</sup> filed June 19, 2012. No objections having been filed to the recommendation, I review it only for plain error. ***See Morales-Fernandez v.***

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<sup>1</sup> “[#45]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s electronic case filing and management system (CM/ECF). I use this convention throughout this order.

**Immigration & Naturalization Service**, 418 F.3d 1116, 1122 (10<sup>th</sup> Cir. 2005).<sup>2</sup> Finding no such error in the magistrate judge's recommended disposition, I find and conclude that recommendation should be approved and adopted.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Recommendation of United States Magistrate Judge** [#45] filed June 19, 2012, is **APPROVED AND ADOPTED** as an order of this court;

2. That defendants' **Motion To Dismiss** [#34] filed January 25, 2012, is **GRANTED**;

3. That plaintiff's claims against defendants in both their official and individual capacities are **DISMISSED WITH PREJUDICE**;

4. That judgment shall enter on behalf of defendants, Ruben Bastidos, individually, and in his official capacity as Swing Shift Security Commander for the Colorado Territorial Correctional Facility; Thomas Bentley, individually, and in his official capacity as Swing Shift Security Staff officer for the Colorado Territorial Correctional Facility; Gregory Bradford, individually, and in his official capacity as Swing Shift Security Staff Officer for the Colorado Territorial Correctional Facility, John Doe 1 AND 2, in their individual capacities and as Officers for the Sterling, Colorado and Colorado Territorial Correctional Facilities; Mark Buttons, individually, and in his official capacity as Day Shift Kitchen Line Officer for the Colorado Territorial Correctional

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<sup>2</sup> 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 his 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 (10<sup>th</sup> Cir. 2007); **Hall v. Bellmon**, 935 F.2d 1106, 1110 (10<sup>th</sup> Cir. 1991) (citing **Haines v. Kerner**, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652 (1972)).

Facility; Mary Keegan, individually, and in her official capacity as Day Shift Kitchen Line officer for the Colorado Territorial Correctional Facility; and Walter Forward, individually, and in his official capacity as Day Shift Maintenance officer for the Colorado Correctional Facility against plaintiff, Randy Kailey, on all claims for relief and causes of action; provided, that the judgment shall be with prejudice; and

5. That defendants are **AWARDED** their 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 July 10, 2012, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge