

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

Civil Action No. 11-cv-00578-REB-KLM

SCOTT MASON,

Plaintiff,

v.

MR. HUGHES, Commander, F.C.F. S.E.R.T., and
C/O FRANCIS, F.C.P. S.E.R.T.,

Defendants.

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

Blackburn, J.

This matter is before me on the following: (1) the **Plaintiff's Motion for Summary Judgment** [#74]¹ filed March 21, 2012; (2) the defendants' **Motion for Summary Judgment** [#90] filed April 13, 2012; (3) the plaintiff's **Motion for Injunctive Relief** [#107] filed October 17, 2012; (4) the **Recommendation of United States Magistrate Judge** [#114] filed December 10, 2012; and (5) the **Recommendation of United States Magistrate Judge** [#116] filed January 22, 2013. The plaintiff filed objections [#115 & #122] to both recommendations. I overrule the objections, approve and adopt the two recommendations, grant the defendants' motion for summary judgment, and deny the plaintiff's motion for injunctive relief and motion for summary judgment.

¹ “[#74]” 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.

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

The plaintiff is acting *pro se*. Therefore, I construe his filings generously and with the leniency due pro se litigants, see ***Erickson v. Pardus***, 551 U.S. 89, 94 (2007); ***Andrews v. Heaton***, 483 F.3d 1070, 1076 (10th Cir. 2007); ***Hall v. Belmon***, 935 F.2d 1106, 1110 (10th Cir. 1991) (citing ***Haines v. Kerner***, 404 U.S. 519, 520-21 (1972)).

The plaintiff, Scott Mason, is an inmate in the Colorado Department of Corrections. In his complaint, Mr. Mason alleges that he has several medical conditions. According to Mr. Mason, on July 23, 2009, he and other inmates were required to stand outside in direct sunlight for several hours. These circumstances exacerbated certain of Mr. Mason's medical conditions, he contends. He alleges that he requested medical care that day, but was denied adequate medical care. In the recommendation [#116] addressing the motions for summary judgment, the magistrate judge analyzes thoroughly the evidence in the record and applies correctly the relevant summary judgment standard. I agree with the analysis and conclusion of the magistrate judge. Thus, I deny the plaintiff's motion for summary judgment and grant the defendants' motion for summary judgment.

In his motion for injunctive relief, Mr. Mason seeks an order requiring authorities at the prison where he currently is housed to provide him with a specific type of medical shoe. In the recommendation [#114] addressing the motion for injunctive relief, the magistrate judge analyzes thoroughly the evidence in the record and applies correctly the relevant standard for granting injunctive relief. I agree with the analysis and


conclusion of the magistrate judge. Thus, I deny the plaintiff's motion for injunctive relief.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#114] filed December 10, 2012, is **APPROVED** and **ADOPTED** as an order of this court;
2. That the **Recommendation of United States Magistrate Judge** [#116] filed January 22, 2013, is **APPROVED** and **ADOPTED** as an order of this court;
3. That the objections [#115 & #122] of the plaintiff are **OVERRULED**;
4. That the **Plaintiff's Motion for Summary Judgment** [#74] filed March 21, 2012, is **DENIED**;
5. That the defendants' **Motion for Summary Judgment** [#90] filed April 13, 2012, is **GRANTED**;
6. That the plaintiff's **Motion for Injunctive Relief** [#107] filed October 17, 2012, is **DENIED**;
7. That judgment **SHALL ENTER** in favor of the defendants, Mr. Hughes, Commander, F.C.F. S.E.R.T., and C/O Francis, F.C.P. S.E.R.T., against the plaintiff, Scott Mason; and
8. That defendants are **AWARDED** their costs, to be taxed by the clerk of the court under Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated March 12, 2013, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge