

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 11-cv-00802-CMA-KMT

JOHN MICHAEL BROADUS,

Plaintiff,

v.

WARDEN RAE TIMME,  
LIEUTENANT JACKIE McCALL,  
LIEUTENANT DIRECTO,  
SERGEANT ERPS,  
SERGEANT DAVIES,  
CORRECTIONAL OFFICER HOLESTEAD,  
CORRECTIONAL OFFICER McCALL,  
CORRECTIONAL OFFICER SNIDER,  
CORRECTIONAL OFFICER LOPEZ,  
CORRECTIONAL OFFICER STRICKLETT, and  
ARISTEDES ZAVARAS,

Defendants.

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**ORDER DISMISSING CASE WITH PREJUDICE**

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This matter is before the Court *sua sponte*. This case was referred to United States Magistrate Judge Kathleen M. Tafoya pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72. (Doc. # 15.) On January 30, 2012, the Magistrate Judge issued a Recommendation (Doc. # 75) concerning the motions to dismiss filed by Defendant Erps (Doc. # 52), Defendant Directo (Doc. # 57), and Defendants Zavaras, Timme, Lieutenant McCall, Correctional Officer McCall, Davies, Holestead, Snider, Lopez, and Stricklett (Doc. # 59), as well as Plaintiff's "Motion to Seek Leave" to file a second amended complaint (Doc. # 63). The Magistrate Judge recommended that the three

motions to dismiss be granted and that Plaintiff's motion be denied without prejudice. (Doc. # 75 at 25.) Plaintiff timely filed Objections to the Recommendation. (Doc. # 76.)

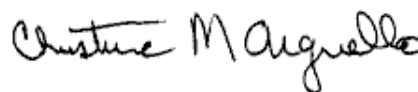
On February 28, 2012, the Court issued an Order adopting and affirming the Magistrate Judge's Recommendation. (Doc. # 78.) Consistent with the Recommendation, the Court allowed Plaintiff to "re-file his motion for leave to file a seconded amended complaint so as to attempt to cure the deficiencies of his 'Motion to Seek Leave.'" (*Id.* at 3.)

On March 16, 2012, Plaintiff filed a new "Motion to Seek Leave Pursuant to Fed. R. Civ. P. 15." (Doc. # 81.) However, as noted in the Magistrate Judge's Minute Order that same day (Doc. # 83), Plaintiff's new motion did not cure the deficiencies addressed in the Recommendation (Doc. # 76) and reemphasized in the Order adopting and affirming the Recommendation (Doc. # 78). Among the deficiencies noted by the Magistrate Judge were Plaintiff's failure to "detail the proposed amendments and the reasons why such amendments are necessary" and to "attach the proposed amended complaint to the motion." (Doc. # 83.) Plaintiff was given until April 6, 2012, to "refile a proper Motion for Leave to Amend . . . ." (*Id.*) That date is long past, and the Court has received no additional filings from Plaintiff.

Accordingly, because Plaintiff has failed to comply with the April 6, 2012 deadline to submit a proper Motion for Leave to Amend, the Court ORDERS that this case be DISMISSED WITH PREJUDICE.

DATED: April 25, 2012

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge