

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 11-cv-02094-PAB-CBS

MARC HARRIS KAPLAN,

Plaintiff,

v.

MICHELLE L. ARCHER, et al.,

Defendants.

ORDER

This matter is before the Court on the Recommendation of United States Magistrate Judge [Docket No. 41] filed on July 3, 2012. The magistrate judge recommends that the Court grant defendants' motions to dismiss plaintiff's complaint [Docket No. 23, 25]. On July 16, 2012, plaintiff filed objections [Docket No. 42] to the Recommendation. Although plaintiff failed to interpose objections to many aspects of the Recommendation, the Court has nevertheless reviewed the Recommendation de novo, see Fed. R. Civ. P. 72(b)(3) ("The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to."), and, having done so, agrees with the Recommendation's thorough analysis of the defendants' pending motions to dismiss and with the recommendation that the motions to dismiss be granted.

In response to plaintiff's objections, defendants argue that the Court "should award the[m] . . . their attorney fees pursuant to 42 U.S.C. § 1988 and Fed. R. Civ. P.

11.” Docket No. 46; see Docket No. 47. Defendants, however, have not complied with the requirements for such a request that are imposed by the Federal Rules of Civil Procedure and the Local Rules of this District. See Fed. R. Civ. P. 54(d)(2); D.C.COLO.LCivR 54.3; see *a/so* Fed. R. Civ. P. 7(b)(1) (“A request for a court order must be made by motion.”); D.C.COLO.LCivR 7.1C (“A motion shall not be included in a response or reply to the original motion. A motion shall be made in a separate paper.”). Therefore, defendants’ request for fees is denied.

For the foregoing reasons, it is

ORDERED that the Recommendation of United States Magistrate Judge [Docket No. 41] is ACCEPTED. It is further

ORDERED that defendants’ motions to dismiss [Docket Nos. 23, 25] are GRANTED and this case is dismissed in its entirety.

DATED August 9, 2012.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge