

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

Civil Case No. 11-cv-02192-REB-CBS

MARJORIE A. KESSLING, and
TRENTON H. PARKER,

Plaintiffs,

v.

BETHANY SALZMAN, individually and in her official capacity, and
GARY SCHWARTZ, individually and his official capacity,

Defendants.

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

Blackburn, J.

This matter is before me on the following: (1) plaintiff Trenton H. Parker's **Motion To Dismiss Plaintiff Kessling From This Case** [#41]¹ filed January 8, 2013; and (2) the **Recommendation of United States Magistrate Judge** [#45] filed January 16, 2013. I approve and adopt the recommendation and grant the motion to dismiss plaintiff Marjorie Kessling.

The plaintiffs are acting *pro se*. Therefore, I construe their filings generously and with the leniency due pro se litigants, 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 (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)).

¹ “[#41]” 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.

Because no party filed an objection to the recommendation, I review it only for plain error. **See *Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10th Cir. 2005).² Finding no error, much less plain error, I find and conclude that the recommendation should be approved and adopted as an order of this court.

As noted by the magistrate judge, the motion to dismiss plaintiff, Marjorie Kessler, was filed by her co-plaintiff, Trenton Parker. Ms. Kessler appeared at a scheduling conference and asked that she be dismissed from this case. No party has objected to the dismissal of Ms. Kessler from this case.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#45] filed January 16, 2013, is **APPROVED** and **ADOPTED** as an order of this court;
2. That the **Motion To Dismiss Plaintiff Kessler From This Case** [#41] filed January 8, 2013, by plaintiff, Trenton H. Parker, is **GRANTED**;
3. That under FED. R. CIV. P. 41(a)(2), the claims of plaintiff, Marjorie A. Kessler, are **DISMISSED**; and
4. That plaintiff, Marjorie A. Kessler, is **DROPPED** as a party to this case, and the caption shall be **AMENDED** accordingly.

Dated September 18, 2013, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge

² This standard pertains even though plaintiff is proceeding *pro se* in this matter. ***Morales-Fernandez***, 418 F.3d at 1122.