

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

Civil Case No. 11-cv-02421-REB-MJW

ALEMAYEHU GETACHEW,

Plaintiff,

v.

7-ELEVEN, INC., and
GOOGLE,

Defendants.

**ORDER OVERRULING OBJECTIONS TO AND ADOPTING
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matters before me are (1) the **Recommendation that Claims Against Defendant Google Be Dismissed Based Upon the Plaintiff's Failure To Service and Failure To Prosecute** [#34]¹ filed January 30, 2012; and (2) the objections contained in **Plaintiff's Appeal From the United States Magistrate Judge's Recommendation on "Failure To Serve" Filed on January 30, 2012 to the United State [sic] District Judge** [#39] filed February 9, 2012. I overrule the objections, adopt the recommendation, and dismiss defendant Google without prejudice for failure to effectuate timely service.

As required by 28 U.S.C. § 636(b), I have reviewed *de novo* all portions of the

¹ "[#34]" 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.

recommendation to which objections have been filed, and have considered carefully the recommendation, objections, and applicable caselaw. Moreover, 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 (10th Cir. 2007); ***Hall v. Bellmon***, 935 F.2d 1106, 1110 (10th Cir. 1991) (citing ***Haines v. Kerner***, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652 (1972)). However, I have not acted as an advocate for the plaintiff.

The recommendation is detailed and well-reasoned. Contrastingly, plaintiff's objections are imponderous and without merit.

Therefore, I find and conclude that the arguments advanced, authorities cited, and findings of fact, conclusions of law, and recommendation proposed by the magistrate judge should be approved and adopted.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation that Claims Against Defendant Google Be Dismissed Based Upon the Plaintiff's Failure To Service and Failure To Prosecute** [#34], filed January 30, 2012, is **APPROVED AND ADOPTED** as an order of this court;

2. That the objections stated in **Plaintiff's Appeal From the United States Magistrate Judge's Recommendation on "Failure To Serve" Filed on January 30, 2012 to the United State** [*sic*] **District Judge** [#39], filed February 9, 2012, are **OVERRULED**;

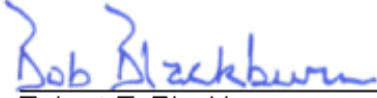
3. That plaintiff's claims against defendant Google are **DISMISSED WITHOUT**

PREJUDICE for failure to effect timely service of process as required by Fed.R.Civ.P.
4(m); and

4. That defendant Google is **DROPPED** as a named party to this action, and the
case caption **AMENDED** accordingly.

Dated March 14, 2012, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge