

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

Civil Action No. 11-cv-03188-REB-MEH

JOHN HERMANN,

Plaintiff,

v.

HARTFORD CASUALTY INSURANCE COMPANY,

Defendant.

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

Blackburn, J.

The matters before me are (1) the **First Motion To Amend the Complaint** [#113]¹ filed May 14, 2015; and (2) the related **Recommendation of United States Magistrate Judge** [#126] filed June 19, 2015. No objections to the recommendation were filed. Therefore, I review it only for plain error. ***See Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10th Cir. 2005). Finding no error, much less plain error, in the recommendation, I find and conclude that recommendation should be approved and adopted. Thus, the motion to amend is denied.

The plaintiff filed the motion to amend [#113] acting *pro se*. Thus, I have construed his pleadings and other filings more liberally and held them to a less stringent

¹ “[#113]” 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.

standard than formal pleadings drafted by lawyers. **See *Erickson v. Pardus***, 551 U.S. 89, 94 (2007); ***Andrews v. Heaton***, 483 F.3d 1070, 1076 (10th Cir. 2007); ***Hall v. Bellmon***, 935 F.2d 1106, 1110 (10th Cir. 1991).

On April 28, 2015, counsel for the plaintiff was permitted to withdraw. *Order* [#108]. Contemporaneously, the plaintiff filed the motion to amend the complaint [#113], and motions [#109, #115] seeking appointment of *pro bono* counsel to represent him. The court endeavored to find *pro bono* counsel who would accept an appointment to represent the plaintiff. However, the court was unable to locate *pro bono* counsel. *Orders* [#121, #133]. Although the plaintiff has filed motions acting *pro se*, he did not file objections to the recommendation. For the reasons cited by the magistrate judge, the pending motion to amend the complaint is denied.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#126] filed June 19, 2015, is approved and adopted as an order of this court; and
2. That the related **First Motion To Amend the Complaint** [#113] filed May 14, 2015, is denied.

Dated October 7, 2015, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge