

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

Civil Action No. 11-cv-03380-REB-BNB

HENRY LEE GRIFFIN, JR.,

Plaintiff,

v.

JOHN W. HICKENLOOPER, as Governor of the State of Colorado, in his official capacity,

Defendant.

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

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**Blackburn, J.**

This matter is before me on the following: (1) the defendant's **Motion To Dismiss** [#28] filed June 15, 2012; and (2) the corresponding **Recommendation of United States Magistrate Judge** [#50] filed January 4, 2013. The plaintiff filed an objection [#54] to the recommendation. I overrule the objection and approve and adopt the recommendation.

As required by 28 U.S.C. § 636(b), I have reviewed *de novo* all portions of the recommendation to which the plaintiff objects. I have considered carefully the recommendation, the objections, and the applicable case law.

The plaintiff is acting *pro se*. Therefore, I construe his filings generously and with the leniency due pro se litigants, see ***Erickson v. Pardus***, 551 U.S. 89, 94 (2007); ***Andrews v. Heaton***, 483 F.3d 1070, 1076 (10th Cir. 2007); ***Hall v. Belmon***, 935 F.2d 1106, 1110 (10<sup>th</sup> Cir. 1991) (citing ***Haines v. Kerner***, 404 U.S. 519, 520-21 (1972)).

In his complaint, the plaintiff alleges that certain Colorado statutes and regulations are unconstitutional on their face and as applied to the plaintiff. According to the plaintiff, §13-17.5-102.7, C.R.S. , §17-20-114.5, C.R.S. , DOC Administrative Regulation (“AR”) 600-05, and §17-20-115, C.R.S., are unconstitutional on their face and as applied to him. Mr. Griffin alleges violations of his rights under the First, Fifth, and Fourteenth Amendments of the Constitution of the United States.

In the recommendation, the magistrate judge analyzes thoroughly each of the plaintiff’s claims and applies correctly the legal standards applicable to a motion to dismiss. The analysis, conclusions, and recommendations of the magistrate judge are correct. In his objection [#54] the plaintiff argues his position that the statutes and regulation he challenges are unconstitutional. I conclude that the arguments asserted by the plaintiff in his objection are not cogent. Granting the motion to dismiss resolves all claims remaining in this case against the sole remaining defendant. Therefore, this case is dismissed.

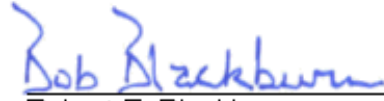
**THEREFORE, IT IS ORDERED** as follows:

1. That the **Recommendation of United States Magistrate Judge** [#50] filed January 4, 2013, is **APPROVED** and **ADOPTED** as an order of this court;
2. That under FED. R. CIV. P. 12(b)(6), the defendant’s **Motion To Dismiss** [#28] filed June 15, 2012, is **GRANTED**;
3. That this case is **DISMISSED**;
4. That **JUDGMENT SHALL ENTER** in favor of the defendant, John W. Hickenlooper, as Governor of the State of Colorado, against the plaintiff, Henry Lee Griffin, Jr.;

5. That the defendant is **AWARDED** his costs, to be taxed by the clerk of the court under Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated March 18, 2013, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge