

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

Civil Case No. 12-cv-00344-REB-KLM

VASHONE L. ADAMS,

Plaintiff,

v.

EMC MORTGAGE CORPORATION, a Foreign Corporation,
CAROL YOUNG, individually and as agent,
JAMES DIMON, individually and as agent,
ACQURA LOAN SERVICING, a Foreign Corporation,
JP MORGAN CHASE BANK, N.A., and
WILLIAM BERONG, individually and as agent,

Defendants.

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

Blackburn, J.

The matters before me are (1) **Motion To Dismiss Third Amended Complaint by Defendants Acquara Loan Services, Llc and William Berrong and Supporting Brief** [#37]¹ filed July 2, 2012; (2) **Chase Defendants' Motion To Dismiss Plaintiff's Third Amended Complaint And Jury Demand Pursuant to Fed. R. Civ. P. 12(b)(1) and (6)** [#38] filed July 2, 2012; and (3) **Recommendation of United States Magistrate Judge** [#45] filed August 21, 2012. The plaintiff filed objections [#46] to the recommendation. The defendants filed responses [#47 & #48] to the objections. The plaintiff filed corresponding replies [#52 & #53]. I overrule the objections and approve

¹ “[#37]” 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.

and adopt the recommendation.

The plaintiff is proceeding *pro se*. Thus, I have construed his pleadings more liberally and held them to a less stringent standard than formal pleadings and papers 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)).

As required by 28 U.S.C. § 636(b), I have reviewed *de novo* all portions of the recommendation to which objections have been filed. I have considered carefully the recommendation, objections, and applicable caselaw. The recommendation is detailed, well-reasoned, and circumstantiated factually and legally . Contrastingly, plaintiff's objections are imponderous and without merit.

THEREFORE, IT IS ORDERED as follows:

1. That the objections stated by plaintiff in documents [#46, 52 & 53] are **OVERRULED**;
2. That the **Recommendation of United States Magistrate Judge** [#45] filed August 21, 2012, is **APPROVED** and **ADOPTED** as an order of this court;
3. That this case and all concomitant claims for relief are **DISMISSED** for lack of subject matter jurisdiction under ***Rooker-Feldman***;
4. That alternatively, the **Motion To Dismiss Third Amended Complaint by Defendants Acquara Loan Services, Llc and William Berrong and Supporting Brief** [#37] filed July 2, 2012, is **GRANTED**;
5. That alternatively, **Chase Defendants' Motion To Dismiss Plaintiff's Third Amended Complaint And Jury Demand Pursuant to Fed. R. Civ. P. 12(b)(1) and (6)**

[#38] filed July 2, 2012, is **GRANTED**;

6. That judgment **SHALL ENTER** in favor of the defendants against the plaintiff on all claims for relief and causes of action asserted in this action; and

7. That defendants are **AWARDED** their costs to be taxed by the clerk of the court in the time and manner prescribed by 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