

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

Civil Action No. 12-cv-00714-REB-MJW

OSMAN NURI OZSUSAMLAR,

Plaintiff,

v.

R. WILEY, Former Warden, USP-ADX Florence, CO,
BLAKE DAVIS, Warden, USP-ADX Florence, CO,
CHARLES DANIELS, Warden USP-HIGH Florence, CO,
K. JOHNSON, Associated Warden USP-ADX Florence, CO
MR. SPROUL, H J, K Unit Manager USP-ADX Florence, CO
M. COLLINS, Administrative Remedy Coordinator, USP-ADX,
WILMAR HAYGOOD, J, K Unit Counselor USP-ADX, and
R. BRADFORD, SIS Agent USP-ADX,

Defendants.

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

Blackburn, J.

This matter is before me on the **Recommendation of the Magistrate that the Claims Against Defendant Be Dismissed** [#86]¹ filed July 11, 2013. I approve and adopt the recommendation and dismiss the claims against defendant, R. Bradford.

No objections to the recommendation were filed. Thus, I review it only for plain error. *See Morales-Fernandez v. Immigration & Naturalization Service*, 418 F.3d 1116, 1122 (10th Cir. 2005). As detailed in the recommendation, the plaintiff has not served the defendant named as R. Bradford. The magistrate judge issued an **Order To**

¹ “[#86]” 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.

Show Cause [#57] to the plaintiff directing the plaintiff to show cause why his claim against R. Bradford should not be dismissed for lack of service. The plaintiff has not shown good cause for his failure to serve defendant R. Bradford. On this basis, the magistrate judge recommends that the claims against R. Bradford be dismissed without prejudice under FED. R. CIV. P. 4(m) and D.C.COLO.LCivR 41.1. The conclusions and recommendation of the magistrate judge are correct. Finding no error, much less plain error, in the disposition recommended by the magistrate judge, I find and conclude that the recommendation should be approved and adopted as an order of this court.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation That the Claims Against the Defendant R. Bradford Be Dismissed** [#86] filed July 11, 2013, is **APPROVED** and **ADOPTED** as an order of this court;
2. That under FED. R. CIV. P. 4(m) and D.C.COLO.LCivR 41.1, the plaintiff's complaint [#38] against defendant, R. Bradford, is **DISMISSED** without prejudice; and
3. That defendant, R. Bradford, is **DROPPED** as a party to this case, and the caption shall be **AMENDED** accordingly.

Dated September 20, 2013, at Denver, Colorado.

BY THE COURT:

s/ Robert E. Blackburn
Robert E. Blackburn
United States District Judge