

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

Civil Action No. 12-cv-01483-REB-MEH

ELIZABETH WOJDACZ,

Plaintiff,

v.

COLORADO SPRINGS CITY POLICE DEPARTMENT,
COMMANDER BRIAN GRADY,
OFFICER JOHN IRELAND,
PATRICK MILLER,
PENROSE ST. FRANCIS HEALTHCARE,
GARY LEE NORMAN,
MICHAEL J. DUNCAN, and
CLIFF HUDSON,

Defendants.

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

Blackburn, J.

The matters before me are (1) the **Recommendation of United States Magistrate Judge** [#109],¹ filed January 3, 2013; and (2) plaintiff's **Opposed Motion for Leave To File Her Rebuttal to Recommendation of United States Magistrate Judge** [#119], filed January 29, 2013. I grant the motion for leave to file the proposed "rebuttal," which I construe as an objection to the recommendation. Thus construed, I overrule plaintiff's objections and approve and adopt the recommendation.

¹ "[#109]" 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.

Plaintiff is proceeding *pro se*. Thus, I have construed her 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)).

The recommendation of the magistrate judge is well-reasoned and amply circumstantiated. Contrastingly, the objections of the plaintiff are imponderous. Finding no error in the recommended disposition, I find and conclude that the recommendation should be approved and adopted.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#109], filed January 3, 2013, is **APPROVED** and **ADOPTED** as an order of this court;

2. That the objections contained in plaintiff's **Opposed Motion for Leave To File Her Rebuttal to Recommendation of United States Magistrate Judge** [#119], filed January 29, 2013, are **OVERRULED**;

3. That the **City Defendants' Motion To Dismiss Amended Complaint or Quash Service** [#23], filed August 16, 2012, is **GRANTED IN PART** and **DENIED IN PART**, as follows:

a. That the motion is **GRANTED** on plaintiff's claims under the Colorado Organized Crime Control Act; the First Amendment; and the Fourteenth Amendment as against defendants, the Colorado Springs City Police

Department, Commander Brian Grady, and Officer John Ireland, and those claims are **DISMISSED WITHOUT PREJUDICE**;

b. That the motion is **GRANTED** further on plaintiff's claims under the Fourth Amendment as against defendants the Colorado Springs City Police Department and Commander Brian Grady, and those claims likewise are **DISMISSED WITHOUT PREJUDICE**; and

c. That in all other respects, the motion is **DENIED**;

4. That at the time judgment enters, judgment **SHALL ENTER** as follows:

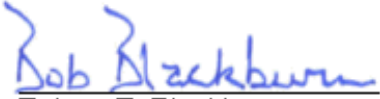
a. On behalf of defendants the Colorado Springs City Police Department, Commander Brian Grady, and Officer John Ireland, and against plaintiff, Elizabeth Wojdacz, as to plaintiff's claims under the Colorado Organized Crime Control Act; the First Amendment; and the Fourteenth Amendment; provided, that the judgment as to these claims shall be without prejudice;

b. On behalf of defendants Colorado Springs City Police Department and Commander Brian Grady as to plaintiff's claims under the Fourth Amendment; provided, that the judgment as to these claims shall be without prejudice; and

5. That defendants the Colorado Springs City Police Department and Commander Brian Grady are **DISMISSED** as named parties to this action, and the case caption **AMENDED** accordingly.

Dated February 25, 2013, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge