

**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.

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** [#130],¹ filed March 4, 2013; and (2) **Plaintiff's Objections to Magistrate Hegarty Recommendations for Defendant Miller and Defendant Penrose Motion for Judgment on the Pleadings** [#149], filed April 1, 2013. I overrule the objections, approve and adopt the recommendation, and grant the apposite motions to dismiss.

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

¹ “[#130]” 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.

recommendation, objections, and applicable caselaw.

In addition, because plaintiff is proceeding *pro se*, I have construed her pleadings and papers more liberally and held them to a less stringent standard than formal pleadings drafted by attorneys-at-law. **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 is detailed and well-reasoned. Contrastingly, plaintiff's objections are imponderous and without merit. Plaintiff's objections do not go to the substance of the magistrate judge's recommendation or the arguments advanced by defendants in support of their motions to dismiss. Instead, plaintiff's objections consist of nothing more than her unsubstantiated allegations that this court, the magistrate judge, and the attorneys for defendants have conspired together to prevent her from conducting discovery in this matter. Yet, as I found in my **Order Denying Plaintiff's Opposed Motion To Recuse Federal Judge Robert E. Blackburn** ([#162], filed April 3, 2013), plaintiff has failed to substantiate or circumstantiate these assertions, which are, in fact, baseless.²

² In addition, the various requests for relief made within the context of these purported objections are improper procedurally.

Thus, 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** [#130], filed March 4, 2013, is **APPROVED** and **ADOPTED** as an order of this court;

2. That the objections stated in **Plaintiff's Objections to Magistrate Hegarty Recommendations for Defendant Miller and Defendant Penrose Motion for Judgment on the Pleadings** [#149], filed April 1, 2013, are **OVERRULED**;

3. That **Defendant Penrose-St. Francis Healthcare's Amended Motion To Dismiss and for Judgment on the Pleadings** [#92], filed November 30, 2012, is **GRANTED**;

4. That **Defendant Patrick Miller's Amended Motion To Dismiss and for Judgment on the Pleadings** [#94], filed December 4, 2012, is **GRANTED**;

5. That plaintiff's Third Claim for Relief, as set forth in the **Amended Complaint** at 30 [#19], filed August 2, 2012, is **DISMISSED WITHOUT PREJUDICE**;

6. That plaintiff's First Claim for Relief, as set forth in the **Amended Complaint** at 30 [#19], filed August 2, 2012, is **DISMISSED WITH PREJUDICE** as against defendants, Patrick Miller and Penrose St.-Francis Healthcare;

7. That at the time judgment enters, judgment **SHALL ENTER** on behalf of defendants, Patrick Miller and Penrose St.-Francis Healthcare, against plaintiff, Elizabeth Wojdacz, as to the claims asserted against them in this matter; provided, that the judgment as to plaintiff's First Claim for Relief shall be with prejudice and the

judgment as to plaintiff's Third Claim for Relief shall be without prejudice; and

8. That defendants, Patrick Miller and Penrose St.-Francis Healthcare, are **DROPPED** as named parties to this action, and the case caption **AMENDED** accordingly.

Dated April 4, 2013, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge