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

Civil Action No. 12-cv-02122-REB-KMT

ALTON DAVIS,

      Plaintiff,

v.

ERIC HOLDER, et al.,

      Defendant.

ORDER ADOPTING RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE

Blackburn, J.

This matter is before me on the following: (1) **Defendants' Motion To Dismiss**

[#46][1] filed April 4, 2013; and (2) the corresponding **Recommendation of United**

States Magistrate Judge [#55] filed February 10, 2014. The plaintiff filed objections

[#59] to the recommendation. I overrule the objections, approve and adopt the

recommendation, and grant the motion to dismiss.

The plaintiff is proceeding *pro se*. Thus, I have construed his pleadings and

other filings 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 (2007);

Andrews v. Heaton, 483 F.3d 1070, 1076 (10th Cir. 2007); ***Hall v. Bellmon***, 935 F.2d

1106, 1110 (10th Cir. 1991).

---

[1]   "[#46]" 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.

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 plaintiff, Alton Davis, is an inmate in the custody of the United States Bureau of Prisons. He is housed at the United States Penitentiary, Administrative Maximum in Florence, Colorado (ADX). In his complaint, Mr. Davis alleges he is subject to certain Special Administrative Measures (SAMs). The SAMs, Mr. Davis alleges, deny him his right to communicate with family, friends, the press, and attorneys. He alleges the SAMs deny him adequate access to the courts and subject him to harsh treatment in solitary confinement. He contends he does not get sufficient fresh air, sunlight, and diabetic food. In addition, Mr. Davis contends the SAMS cause him to be denied adequate access to medical services and treatment for serious medical conditions, bladder cancer and diabetes. In their motion to dismiss, the defendants seek dismissal of all of the claims of Mr. Davis for lack of personal jurisdiction over the defendants and because the allegations in the complaint do not state claims on which relief can be granted against the defendants.

In the recommendation [#55], the magistrate judge provides a detailed and thorough analysis of the issues raised in the motion to dismiss. Based on my *de novo* review, I concur with the analysis of the magistrate judge. In his objections [#59], Mr. Davis provides a detailed critique of the analysis of the magistrate judge and, to some extent, the law applicable to SAMs. However, Mr. Davis does not raise arguments which show that the analysis of the magistrate judge is incorrect. Therefore, I overrule the objections of Mr. Davis and approve and adopt the recommendation of the magistrate judge.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#55] filed February 10, 2014, is **APPROVED** and **ADOPTED** as an order of this court;

2. That the objections [#59] filed by the plaintiff are **OVERRULED**;

3. That under FED. R. CIV. P. 12(b)(1) and (b)(6), the **Defendants' Motion To Dismiss** [#46] filed April 4, 2013, is **GRANTED**;

4. That under FED. R. CIV. P. 12(b)(1) and (b)(6), all claims alleged in the amended complaint [#17] of the plaintiff are **DISMISSED**;

5. That under FED. R. CIV. P. 58, judgment **SHALL ENTER** in favor of the defendants, Eric Holder, John O'Donnall, Jason Zamaloff, and D. Berkebile, against the plaintiff, Alton Davis; and

6. That the defendants are **AWARDED** their 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 14, 2014, at Denver, Colorado.

BY THE COURT:

Robert E. Blackburn
United States District Judge