

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

Civil Action No. 12-cv-02400-REB-KMT

SHANE JOHNSON,

Plaintiff,

v.

JUSTIN DASH, individually and in his official capacity as case manager;
DONNA ZAVISLAN, in her individual capacity as Warden and official capacity as
Warden;
DEBRA AHLIN, individually and in her official capacity as committee member;
JAMES OLSON, individually and in his official capacity as committee chairperson;
CARMEN ESTRADA, individually and in her official capacity as committee chairperson;
KATHLEEN BOYD, individually and in her official capacity as nurse practitioner;
DEPREIEST, individually, and in his official capacity as committee member, whose first
name is unknown; and
YVONE SARGENT, in her individual capacity as a CIPS Input operator,

Defendants.

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

Blackburn, J.

This matter is before me on the following: (1) the plaintiff's **Memorandum of Law in Support of Plaintiff's Motion for a Preliminary Injunction** [#6]¹ filed September 10, 2012; and (2) the corresponding **Recommendation of United States Magistrate Judge** [#68] filed June 14, 2013. The defendant filed objections [#71] to the recommendation. I overrule the objections, approve and adopt the recommendation, and deny the motion for preliminary injunction.

¹ "[#6]" 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.

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).

As required by 28 U.S.C. § 636(b), I have reviewed *de novo* all portions of the recommendation to which the defendant objects. I have considered carefully the recommendation, the objections, and the applicable case law.

In his motion for preliminary injunction, the plaintiff, Shane Johnson, says he suffers from acute hepatitis C and suffers serious daily pain as a result. He claims defendant Kathleen Boyd, a nurse practitioner at the Colorado State Penitentiary, has not provided him treatment for his condition. Appropriately, the magistrate judge reads Mr. Johnson's motion as seeking relief against Ms. Boyd. The magistrate judge recommends that the motion for preliminary injunction be denied as moot because Mr. Johnson was transferred to a different prison facility and no longer is under the care of Ms. Boyd. I agree. After filing his motion for preliminary injunction, Mr. Johnson filed an amended complaint [#70], but he has not filed another motion for preliminary injunction which addresses his present circumstances.

Having reviewed the plaintiff's motion, the recommendation, the plaintiff's objections, and the applicable law, I find and conclude that the analysis and conclusions of the magistrate judge are correct. Thus, I approve and adopt the recommendation and deny the motion.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#68] filed

June 14, 2013, is **APPROVED** and **ADOPTED** as an order of this court; and

2. That the plaintiff's **Memorandum of Law in Support of Plaintiff's Motion for a Preliminary Injunction** [#6] filed September 10, 2012, is **DENIED** as moot.

Dated September 3, 2013, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge