

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

Civil Action No. 12-cv-02608-REB-KMT

RONDA KAY DRAKE,

Plaintiff,

v.

NO NAMED RESPONDENT,

Defendant.

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

Blackburn, J.

This matter is before me on the **Recommendation of United States Magistrate Judge** [#12]¹ filed January 4, 2013. No objections to the recommendation were filed. Therefore, I review it only for plain error. **See *Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10th Cir. 2005). Finding no error, much less plain error, in the recommendation, I find and conclude that recommendation should be approved and adopted.

After the plaintiff filed her initial complaint [#1], she was ordered to file an amended complaint to correct fundamental deficiencies in her complaint [#1]. The order [#4] identified the deficiencies. Notably, the plaintiff did not name any defendants in her complaint, in violation of Fed. R. Civ. P. 10(a), and her complaint did not comply with

¹ “[#12]” 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 requirements of Fed. R. Civ. P. 8. Further, in violation of Fed. R. Civ. P. 11, the complaint was not signed.

The plaintiff filed an amended complaint [#5]. However, that complaint [#5] does not appear to have been in response to the order [#4] of the court, because the complaint was filed on the same day as the order. Further, the plaintiff sought an extension of time to file an amended complaint. *Motion* [#7]. That extension of time was granted. *Order* [#9]. The plaintiff was given until December 10, 2012, to file an amended complaint. However, no amended complaint was filed at any time after that order [#9] was entered.

The operative complaint [#5] does not name any defendants and does not comply with Rule 8. The purported signature, "X as Mark Rule 11," does not comply with Rule 11. *Complaint* [#5], CM/ECF p. 8. The magistrate judge recommends that this case be dismissed due to the failure of the plaintiff to comply with Rule 8 in her operative complaint [#5]. That failure plus the failure to comply with Rules 10(a) and 11 merits dismissal of the complaint.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#9] filed January 4, 2013, is approved and adopted as an order of this court;
2. That this case is dismissed; and
3. That this case is closed.

Dated October 7, 2015, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge