

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

Civil Action No. 12-cv-02797-REB-KMT

JOHN NEWMAN, and
NANCY NEWMAN,

Plaintiffs,

v.

MICHAEL D. HARLAN, and
JL SMITH TRUCKING COMPANY,

Defendant.

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

Blackburn, J.

This matter is before me on **Recommendation of United States Magistrate Judge** regarding Trial Preparation Conference Order setting Trial Preparation Conference/Final Pretrial Conference and Trial dates [#65]¹ entered September 30, 2013. I approve and adopt the recommendation.

No objections to the recommendation were filed. Thus, I review it only for plain error. ***See Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10th Cir. 2005). As detailed in the recommendation [#26], the plaintiff's claim is time barred, and there is no basis established in the record to apply equitable tolling. As a result, the plaintiff's complaint must be dismissed. The conclusions and

¹ "[#65]" 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 of the magistrate judge are correct. Finding no error, much less plain error, in the disposition recommended by the magistrate judge, I find and conclude that the recommendation should be approved and adopted as an order of this court.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** regarding Trial Preparation Conference Order setting Trial Preparation Conference/Final Pretrial Conference and Trial dates [#65] entered September 30, 2013 is **APPROVED** and **ADOPTED** as an order of this court;
2. That the pretrial deadlines set forth in the recommendation are approved and adopted as an order of this court;
4. That on **November 6, 2013**, commencing at 10:00 a.m., the court **SHALL CONDUCT** a telephonic setting conference to reset the Final Pretrial Conference/Trial Preparation Conference and jury trial in this matter; and
5. That counsel for the plaintiff **SHALL ARRANGE, INITIATE, AND COORDINATE** the conference call necessary to facilitate the setting conference to the Judicial Assistant for Judge Blackburn at (303) 335-2350.

Dated October 28, 2013, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge