

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

Civil Action No. 12-cv-03107-REB-KLM

ROBERT J. DRISKELL,

Plaintiff,

v.

BRUCE R. THOMPSON, Chief Financial Officer (CFO), doing business as CFO Bruce R. Thompson Bank of America, N.A, and
BANK OF AMERICA N.A., et al, and
John Doe 1-100, successor by merger BAC Home Loans Serving, LP, formerly known as Countrywide Home Loans, LP,

Defendants.

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

Blackburn, J.

The matter before me is the **Recommendation of United States Magistrate Judge** [#10],¹ filed December 3, 2012. No objection having been filed to the recommendation, I review it for plain error only.² ***See Morales-Fernandez v.***

¹ “[#10]” 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.

² The docket reflects that the recommendation was mailed to plaintiff at his address of record on December 4, 2012. The mail was returned as undeliverable on December 10 [#14], with a notation that the forwarding order had expired. That same day, the clerk remailed the recommendation to the PO box noted on the envelope to be the appropriate forwarding address [#15]. The following day, December 11, 2012, plaintiff submitted a letter to the court suggesting that he had not received the recommendation [#14]. That letter bears the original address from which mail has been returned as undeliverable. Moreover, neither the recommendation nor any other mail has been returned from the new address, leading me to conclude that plaintiff has received adequate notice of the magistrate judge’s recommended disposition and has had the benefit of the full time required by law to respond thereto.

Immigration & Naturalization Service, 418 F.3d 1116, 1122 (10th Cir. 2005).³


Finding no such error in the magistrate judge's recommended disposition, 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** [#10], filed December 3, 2012, is **APPROVED AND ADOPTED** as an order of this court; and
2. That plaintiff's **Motion for Ex Parte Order for Temporary Injunction/Restraining Order** [#4], filed November 28, 2012, is **DENIED**.

Dated January 18 2013, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge

³ This standard pertains even though plaintiff is proceeding *pro se* in this matter. ***Morales-Fernandez***, 418 F.3d at 1122. In addition, because plaintiff is proceeding *pro se*, I continue to construe his pleadings and papers with the judicial munificence due a *pro se* party. ***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)).