

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

Civil Action No. 13-cv-00031-REB-KMT

GABRIELE GUNDLACH,

Plaintiff,

v.

MARIA MORA, Social Worker at CMHIP in her personal capacity,
PAMELA JONES, Charge Nurse at CMHIP in her personal capacity,
DR. EUGENE McGUINN, Physician at CMHIP in his personal capacity,
DR. ARIF KAMRAN, Psychologist at CMHIP in his personal capacity, and
DEBRA CROSSER, Clerk of the Boulder County Combined Courts in her official and
personal capacities,

Defendants.

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

Blackburn, J.

The matter before is the **Recommendation of United States Magistrate Judge** [#32],¹ filed September 24, 2013. No objections having been filed to the recommendation, I review it only for plain error. *See Morales-Fernandez v. Immigration & Naturalization Service*, 418 F.3d 1116, 1122 (10th Cir. 2005).² Finding no such error in the magistrate judge's recommended disposition, I find and conclude

¹ "[#32]" 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 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 have construed her pleadings 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, 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)).


that the recommendation should be approved and adopted.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#32], filed September 24, 2013, is **APPROVED AND ADOPTED** as orders of this court;
2. That plaintiff's claims against defendant, Dr. Eugene McGuinn, physician at CMHIP in his personal capacity, are **DISMISSED** for failure to effectuate timely service of process;
3. That at the time judgment enters, judgment without prejudice **SHALL ENTER** on behalf of defendant, Dr. Eugene McGuinn, physician at CMHIP in his personal capacity, against plaintiff, Gabriele Gundlach, on all claims for relief and causes of action asserted against him in this action; and
4. That defendant, Dr. Eugene McGuinn, physician at CMHIP in his personal capacity, is **DROPPED** as a named party to this action, and the case caption is **AMENDED** accordingly.

Dated October 18, 2013, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge