

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

Civil Action No. 13-cv-00393-REB-MEH

STAN CHAMBERS,

Plaintiff,

v.

HEATH MOSNESS, EAGLE COUNTY DEPUTY SHERIFF, in his individual and official capacity,

Defendant.

**ORDER ADOPTING RECOMMENDATION OF THE UNITED STATES
MAGISTRATE JUDGE AND OVERRULING PLAINTIFF'S OBJECTIONS TO
NON-DISPOSITIVE RULINGS OF THE UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matters before me are (1) **Recommendation and Order of United States Magistrate Judge** [#118],¹ filed January 14, 2015; and (2) plaintiff's corresponding **Objections to Recommendation and Order of United States Magistrate Judge** [#121], filed January 29, 2015. I overrule the objections to the non-dispositive rulings of the magistrate judge. Concerning the magistrate judge's recommendation on the disposition of plaintiff's motion for leave to file an amended complaint, I overrule the objections, adopt the recommendation, and deny the apposite motion.

Considering first the magistrate judge's recommendation as to plaintiff's **Motion for Leave To File Second Amended Complaint and Jury Demand** [#103], filed

¹ "[#118]" 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.

November 3, 2014, as required by 28 U.S.C. § 636(b), I have reviewed *de novo* all portions of the recommendation to which objections have been filed and have considered carefully the recommendation, plaintiff's objections, and the applicable caselaw.

The recommendation is detailed and well-reasoned. Contrastingly, plaintiff's objections are imponderous and without merit. I see no point in a festooned reiteration of the magistrate judge's thorough and cogent analysis of the legal issues raised by and inherent to the motion, with which analysis I fully concur. Under either of the alternative bases examined by the magistrate judge, Ms. Cooper plainly is entitled to immunity from the claims asserted in the proposed amended complaint, making the proposed amendment futile. Even if immunity were not warranted, I agree further with the magistrate judge's assessment that plaintiff's delay in bringing the motion is inadequately explained and therefore undue, further justifying denial of his motion. I thus find and conclude that the arguments advanced, authorities cited, and findings of fact, conclusions of law, and recommendation proposed by the magistrate judge should be approved and adopted.

Regarding plaintiff's objections to the non-dispositive ruling of the magistrate judge denying plaintiff's **Motion To Amend Scheduling Order** [#104], filed November 3, 2014, I may modify or set aside any portion of a magistrate judge's order which I find to be "clearly erroneous or contrary to law." 28 U.S.C. § 636(b); **FED. R. CIV. P.** 72(a). Given my disposition of the motion for leave to amend the complaint, plaintiff cannot demonstrate good cause for amending the scheduling order to permit further discovery.

Accordingly, his objections to the magistrate judge's order in that regard are overruled.

THEREFORE, IT IS ORDERED as follows:


1. That the **Recommendation and Order of United States Magistrate Judge** [#118], filed January 14, 2015, is **APPROVED AND ADOPTED** as an order of this court;

2. That the objections stated in plaintiff's **Objections to Recommendation and Order of United States Magistrate Judge** [#121], filed January 29, 2015, are **OVERRULED**; and

3. That plaintiff's **Motion For Leave To File Second Amended Complaint and Jury Demand** [#103], filed November 3, 2014, is **DENIED**.

Dated February 17, 2015, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge