

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

Civil Action No. 13-cv-01075-REB-CBS

TYRON DUANTE SMALL,

Plaintiff,

v.

DISTRICT ATTORNEY MELISSA YOUNG,
DETECTIVE JEFF HUDDLESTON,
DETECTIVE MARC CHACON, and
OFFICER DANIEL THOMPSON,

Defendants.

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

Blackburn, J.

The matter before me is the **Recommendation of United States Magistrate Judge** [#35],¹ filed October 10, 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

¹ “[#35]” 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 his 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)).

Finding no error, much less plain error, in the magistrate judge's recommended disposition, I find and conclude that recommendation should be approved and adopted. It is plain from the pleadings that plaintiff's putative claims in this lawsuit are barred by limitations. Thus, the claims, and this case, must be dismissed with prejudice.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#35], filed October 10, 2013, is **APPROVED AND ADOPTED** as an order of this court;

2. That **Defendants' Motion To Dismiss (Pro Se Prisoner) Amended Complaint** [#25], filed July 2, 2013, is **GRANTED**;

3. That **Defendant Young's Motion To Dismiss Amended Complaint and Jury Demand (Doc. No. 9) Pursuant to Fed. R. Civ. P. 12(b)(1) and (6)** [#26], filed July 2, 2013, is **GRANTED**;

4. That plaintiff's claims are **DISMISSED WITH PREJUDICE** as barred by limitations;

5. That judgment with prejudice **SHALL ENTER** on behalf of defendants, District Attorney Melissa Young; Detective Jeff Huddleston; Detective Marc Chacon; and Officer Daniel Thompson, against plaintiff, Tyron Duante Small, as to all claims and causes of action asserted against them herein; and

6. That defendants are **AWARDED** their costs, to be taxed by the clerk of the court under Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated October 31, 2013, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge