

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 13-cv-01469-CMA-KLM

DAVID E. WILKENSON,

Plaintiff,

v.

STATE OF COLORADO, et al.,
MESA COUNTY, COLORADO, et al,

Defendants.

**ORDER ADOPTING AND AFFIRMING MARCH 17, 2014
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge Kristen L. Mix pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72. (Doc. # 7.) On January 10, 2014, this Court adopted in part and affirmed in part Judge Mix's recommendation issued on December 17, 2013. (Doc. # 30.) Pursuant to that order, the Court dismissed Plaintiff's claims. (*Id.*) On January 22, 2014, Plaintiff filed a motion to reconsider the Court's order (Doc. # 33), which the Court referred to Judge Mix, who recommended that motion be denied (Doc. # 37). Plaintiff filed an objection to that recommendation (Doc. # 38), to which both Defendants responded (Doc. ## 39, 40).

When a magistrate judge issues a recommendation on a dispositive matter, Fed. R. Civ. P. 72(b)(3) requires that the district judge "determine *de novo* any part of the magistrate judge's [recommended] disposition that has been properly objected to."

In conducting its review, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” *Id.*

The Court has conducted a *de novo* review of this matter, including reviewing all relevant pleadings, the Recommendation, Plaintiff’s objection thereto, and Defendants’ responses. Based on this *de novo* review, the Court concludes that Judge Mix’s Recommendation is correct and is not called into question by Plaintiff’s objection.

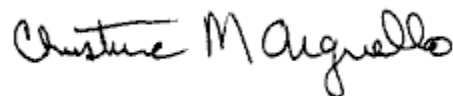
Accordingly, it is hereby ORDERED that Plaintiff’s objection (Doc. # 38) is OVERRULED. It is

FURTHER ORDERED that the Recommendation of United States Magistrate Judge Kristen L. Mix (Doc. # 37) is AFFIRMED and ADOPTED as an Order of this Court. Pursuant to the Recommendation, it is

FURTHER ORDERED that Plaintiff’s Motion (Doc. # 33) is DENIED.

DATED: April 08, 2014

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge