

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

Civil Action No. 13-cv-01887-REB-KMT

UNITED STATES OF AMERICA, ex rel. JAMES HERON,

Plaintiff,

v.

AURORA LOAN SERVICES, LLC,
AURORA LOAN FSB,
AURORA COMMERCIAL CORPORATION as successor organization to AURORA
BANK FSB,
JANE DOE,
JOHN DOE, and
DOE ENTITIES,

Defendants.

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

Blackburn, J.

The matter before me is **Recommendation of United States Magistrate Judge** [#25],¹ filed October 16, 2014. 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

¹ “[#25]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

² This standard pertains even though relator currently is proceeding *pro se* in this matter. *Morales-Fernandez*, 418 F.3d at 1122. Nevertheless, because relator 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)).

the recommended disposition, I find and conclude that the magistrate judge's recommendation to dismiss relator's claims without prejudice for failure to effectuate timely service of process should be approved and adopted.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#25], filed October 16, 2014, is **APPROVED AND ADOPTED** as an order of this court;

2. That relator's claims against defendants, Aurora Loan Services, LLC; Aurora Loan FSB; Aurora Commercial Corporation, as successor organization to Aurora Bank FSB; Jane Doe; John Doe; and Doe Entities, are **DISMISSED WITHOUT PREJUDICE** for failure to effect timely service of process as required by Fed. R. Civ. P. 4(m); and

3. That judgment without prejudice **SHALL ENTER** on behalf of defendants, Aurora Loan Services, LLC; Aurora Loan FSB; Aurora Commercial Corporation as successor organization to Aurora Bank FSB; Jane Doe; John Doe; and Doe Entities, against relator, James Heron, on all claims for relief and causes of action asserted in this action.

Dated November 13, 2014, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge