

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

Civil Action No. 13-cv-02485-REB-KLM

CHRISTOPHER KEOUGH,

Plaintiff,

v.

BENITA PACKARD, Sgt., and
THE CITY AND COUNTY OF DENVER, COLORADO,

Defendants.

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

Blackburn, J.

The matter before me is the **Recommendation of United States Magistrate Judge** [#50],¹ filed August 25, 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).

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. As detailed in the magistrate judge's thorough analysis, the allegations of the Amended Complaint are patently insufficient to state plausible claims for violation of plaintiff's First or Fourth Amendment rights against defendant Benita Packard. She therefore is entitled to qualified immunity. Moreover, in the absence of any viable constitutional

¹ "[#50]" 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.

claim against Sergeant Packard, plaintiff's municipal liability against the City cannot survive. Defendants' motion to dismiss therefore must be granted and plaintiff's claims dismissed.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#50], filed August 25, 2014, is **APPROVED AND ADOPTED** as an order of this court;

2. That **Defendants' Motion To Dismiss** [#29], filed November 25, 2013, is **GRANTED**;

3. That plaintiff's claims are **DISMISSED WITH PREJUDICE**;

4. That the combined Trial Preparation Conference and Final Pretrial Conference set **Friday, September 19, 2014**, at 1:00 p.m., and the trial set to commence **Monday, October 6, 2014**, are **VACATED**; and

5. That judgment with prejudice **SHALL ENTER** on behalf of defendants, Sgt. Benita Packard and The City and County of Denver, against plaintiff, Christopher Keough, on all claims for relief and causes of action asserted in this action.

Dated September 15, 2014, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge