

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

Civil Action No. 13-cv-02961-CMA-MJW

HAZHAR A. SAYED,

Plaintiff,

v.

ROBERTA BROMAN, an individual,

Defendant.

**ORDER ADOPTING AND AFFIRMING OCTOBER 29, 2014
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the October 29, 2014 Recommendation by United States Magistrate Judge Michael J. Watanabe that Defendant's Motion to Dismiss (Doc. # 61) be granted. (Doc. # 70.) The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b). On November 7, 2014, Plaintiff Hazhar Sayed filed an objection to the Recommendation. (Doc. # 71.)

"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.*

Judge Watanabe recommended that Plaintiff’s amended complaint be dismissed for failure to state a claim, but that this Court allow Plaintiff to amend his complaint to cure its defects. Nonetheless, Plaintiff objected to the recommendation, reiterating arguments that were properly before Magistrate Judge Watanabe at the time his Recommendation issued. (Doc. # 71.) The Court has conducted a *de novo* review of this matter, including reviewing all relevant pleadings, the Recommendation, and Plaintiff’s objection thereto. Based on this *de novo* review, the Court concludes that Judge Watanabe’s Recommendation is correct and is not called into question by Plaintiff’s objection. This Court agrees with Judge Watanabe that Plaintiff may be able to state a claim if he provides additional facts and believes it would be helpful to the parties and this Court to have a more clearly articulated claim.

Accordingly, it is hereby ORDERED that Plaintiff’s objection (Doc. # 71) is OVERRULED. It is

FURTHER ORDERED that the Recommendation of United States Magistrate Judge Michael J. Watanabe (Doc. # 70) is AFFIRMED and ADOPTED as an Order of this Court. Pursuant to the Recommendation, it is

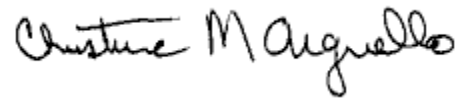
FURTHER ORDERED that Defendant’s Motion to Dismiss (Doc. # 61) be GRANTED. It is

FURTHER ORDERED that Plaintiff has **21 days following the date of this Order** to file a second amended complaint. In his second amended complaint, Plaintiff

shall include greater detail about (1) his dental diagnoses and symptoms, (2) the treatment that has been recommended, and (3) the need for immediate treatment and the consequences of not receiving it. **If Plaintiff fails to file a timely second amended complaint, the case will be dismissed with prejudice.**

DATED: December 05, 2014

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge