

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

Civil Action No. 13-cv-03117-REB-CBS

NATHAN JERARD DUNLAP,

Plaintiff,

v.

RICK RAEMISCH, in his individual and official capacities as Executive Director of the Colorado Department of Corrections, et al.,

Defendants.

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

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**Blackburn, J.**

The matter before me is the **Recommendation of United States Magistrate Judge** [#51],<sup>1</sup> filed February 9, 2015. 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 (10<sup>th</sup> Cir. 2005).<sup>2</sup> Finding no such error in the recommended disposition, I find and conclude that the magistrate judge's recommendation should be approved and adopted.

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<sup>1</sup> “[#51]” 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.

<sup>2</sup> This standard pertains even though plaintiff is proceeding *pro se*. *Morales-Fernandez*, 418 F.3d at 1122. Nevertheless, 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 (10<sup>th</sup> Cir. 2007); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10<sup>th</sup> Cir. 1991) (citing *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652 (1972)).

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Recommendation of United States Magistrate Judge** [#51], filed February 9, 2015, is **APPROVED AND ADOPTED** as an order of this court; and

2. That the following motions are **DENIED**:

a. Defendants Rick Raemisch, Tony Carochi, Lou Archuleta, James Falk, Larry Reid, Donna Sims, Jeremiah Cone, John Crussell, Michelle Nycz-Halligan, Dave Scherbarth, Jeff Petersen, Michele Wingert, Scott Sturgeon, and Ryan Long's **Motion To Dismiss** [#37], filed March 13, 2014;

b. Defendant Mark Flowers's **Motion To Dismiss** [#40], filed March 17, 2014; and

c. Defendant Kevin Milyard's **Motion To Dismiss** [#47], filed April 16, 2014.

Dated March 9, 2015, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge