

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

Civil Action No. 13-cv-03275-REB-KLM

BIG CATS OF SERENITY SPRINGS, INC., doing business as Serenity Springs Wildlife Center,
NICK SCULAC,
JULIE WALKER, and
JULES INVESTMENT, INC.,

Plaintiffs,

v.

THOMAS J. VILSACK, in his official capacity as Secretary of Agriculture,
CINDY RHODES,
TRACY THOMPSON, and
OTHER UNNAMED USDA EMPLOYEES,

Defendants.

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

Blackburn, J.

The matter before me is the recommendation contained in the **Order and Recommendation of United States Magistrate Judge** [#49],¹ filed April 7, 2015. No objection having been timely filed to the recommendation, I review it for plain error only. **See *Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10th Cir. 2005). Finding no such error in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.

¹ “[#49]” 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.

THEREFORE, IT IS ORDERED as follows:

1. That the recommendation contained in the **Order and Recommendation of United States Magistrate Judge** [#49], filed April 7, 2015, is approved and adopted as an order of this court;

2. That plaintiff's **Unopposed Motion for Leave To File Second Amended Complaint** [#47], filed April 6, 2015, is granted;

3. That the proposed Second Amended Complaint for Damages, Declaratory Judgment, and Other Relief [#47-2] and its attendant exhibits [##47-3 – 47-8] are accepted for filing; and

4. That paragraph 4 of the court's **Order Overruling Objections to and Adopting Recommendation of United States Magistrate Judge** [#46], filed March 25, 2015, is vacated, and the following language substituted therefore:

4. That at the time judgment enters, judgment with prejudice shall enter on behalf of defendants against plaintiffs Big Cats of Serenity Springs, Inc., doing business as Serenity Springs Wildlife Center, Julie Walker, and Jules Investment, Inc., as to the Third and Fourth Claims for Relief asserted in the **Complaint for Damages, Declaratory Judgment, and Other Relief** [#1], filed December 4, 2013.

Dated May 11, 2015, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge