

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

Civil Action No. 13-cv-03309-REB-KMT

MARTIN THOMAS WIRTH,

Plaintiff,

v.

JOHN HICKENLOOPER, in his official capacity as Governor of Colorado, et al.,

Defendants.

ORDER ADOPTING RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE

Blackburn, J.

The matter before me is the **Recommendation of United States Magistrate Judge** [#69],¹ filed June 23, 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 I find no error, much less plain error, in the magistrate judge's recommended disposition. Even if all the usual requirements warranting the extraordinary remedy of a temporary restraining order were satisfied in this case – which they are not – the entry of such an

¹ [#69] 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 plaintiff is proceeding *pro se* in this matter. **Morales-Fernandez**, 418 F.3d at 1122. In addition, 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 (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)).

order clearly is precluded by the ***Rooker-Feldman*** doctrine, as detailed in the recommendation. I therefore find and conclude that the magistrate judge's recommendation should be approved and adopted.

THEREFORE, IT IS ORDERED as follows:

1. That **Recommendation of United States Magistrate Judge** [#69], filed June 23, 2014, is **APPROVED AND ADOPTED** as an order of this court; and
2. That plaintiff's **Emergency Motion for Temporary Restraining Order Pursuant to Rule 65(b)** [#62], filed June 2, 2014, is **DENIED**.

Dated August 13, 2014, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge