

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

Civil Action No. 14-cv-00301-REB-BNB

JAMES ROGER DUNCAN,

Plaintiff,

v.

BILL RITTER, JR., ex-governor,  
JOHN W. HICKENLOOPER, governor,  
RICK RAEMISCH, executive director,  
WARDEN MILYARD,  
WARDEN FALK, and  
CASE MANAGER LUECK,

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** [#55],<sup>1</sup> filed August 6, 2014. No objection having been filed to the recommendation, I review it for plain error only. *See Morales-Fernandez v. Immigration & Naturalization Service*, 418 F.3d 1116, 1122 (10<sup>th</sup> Cir. 2005).<sup>2</sup> I perceive no such error in the magistrate judge's recommended disposition. Indeed, in

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<sup>1</sup> “[#55]” 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* 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 (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)).

his filing in response to the magistrate judge's show cause order, plaintiff asks that defendant, Bill Ritter, Jr., be removed as a party defendant. (**See I Object to the Motion To Show Cause** [#37], filed May 20, 2014.) I therefore find and conclude that the magistrate judge's recommendation should be approved and adopted.

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

1. That the **Recommendation of United States Magistrate Judge** [#55], filed August 6, 2014, is **APPROVED AND ADOPTED** as an order of this court;
2. That plaintiff's claims against defendant, Bill Ritter, Jr., ex-governor, are **DISMISSED WITHOUT PREJUDICE** for failure to prosecute;
3. That at the time judgment enters, judgment without prejudice **SHALL ENTER** on behalf of defendant, Bill Ritter, Jr., ex-governor, against plaintiff, James Roger Duncan, on all claims for relief and causes of action asserted against this defendant in this action; and
4. That defendant, Bill Ritter, Jr., ex-governor, is **DROPPED** as a named party to this action, and the case caption **AMENDED** accordingly.

Dated September 8, 2014, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge