

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

Civil Action No. 14-cv-03189-REB-MEH

MARQUISE HARRIS,

Plaintiff,

v.

SCOTT THOMAS, Officer, and
UNKNOWN NORTHGLENN POLICE OFFICER JOHN DOE,

Defendants.

**AMENDED ORDER ADOPTING RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE^[1]**

Blackburn, J.

The matter before me is the **Recommendation of United States Magistrate Judge** [#31],² filed June 30, 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 (10th Cir. 2005).³ Finding no such error in the magistrate judge's recommended disposition, I find and conclude

¹ This order is amended only to correct a clerical error in the date of the apposite magistrate judge's recommendation in the previous **Order Adopting Recommendation of the United States Magistrate Judge** [#32], filed July 30, 2015.

² “[#31]” 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.

³ This standard pertains even though plaintiff is proceeding *pro se* in this matter. *Morales-Fernandez*, 418 F.3d at 1122. In addition, because plaintiff are proceeding *pro se*, I have construed her 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)).

that recommendation should be approved and adopted and that this case should be dismissed for failure to prosecute.

The magistrate judge recommends that this lawsuit be dismissed with prejudice as a sanction for plaintiff's failure to comply with the duly issued orders of the court and failure to prosecute this action. Although dismissal with prejudice is an extreme sanction, the circumstances chronicled in the magistrate judge's recommendation indisputably demonstrate a "clear record of delay [and] contumacious conduct" warranting the imposition of such a penalty. *Meade v. Grubbs*, 841 F.2d 1512, 1520 n.6 (10th Cir. 1988).

The magistrate judge thoroughly considered all the relevant factors prescribed by *Ehrenhaus v. Reynolds*, 965 F.2d 916, 921 (10th Cir. 1992). Given plaintiff's clear pattern of unjustified failure to participate in the conduct of this litigation or to respond to the duly issued orders of the court, I concur with the magistrate judge that plaintiff appears to have abandoned his claims and that a dismissal with prejudice is appropriate.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#31], filed June 30, 2015, is approved and adopted as an order of this court;
2. That defendant's **Motion To Dismiss for Failure To Prosecute** [#27], filed May 28, 2015, is granted;
3. That plaintiff's claims against defendant are dismissed with prejudice as a sanction for failure to comply with the duly issued orders of the court and failure to

prosecute;

4. That judgment with prejudice shall enter on behalf of defendants, Scott Thomas, Officer; and Unknown Northglenn Police Officer John Doe, against plaintiff, Marquise Harris, on all claims for relief and causes of action asserted in this action;

5. That defendants are awarded their costs, to be taxed by the clerk of the court in the time and manner required by Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1;

6. That this amended order supplants and supersedes the Order [#32] filed July 30, 2015; and

7. That this case is dismissed.

Dated September 9, 2015, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge