

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

Civil Action No. 15-cv-00287-REB-CBS

MARK A. SCHREINER,

Plaintiff,

v.

CITY OF LOUISVILLE, COLORADO,
LOUISVILLE , CO POLICE DEPT. (LPD),
LPD CHIEF DAVID HAYES,
LPD OFFICER JOSH SUNDBERG,
LPD OFFICER ANTHONY MARTINEZ, and
LPD SGT. JAY LANPHERE,

Defendants.

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

Blackburn, J.

The matter before me is the **Recommendation of United States Magistrate Judge** [#40],¹ filed December 4, 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 error, much less plain error, in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.

The magistrate judge's report is thorough and well-reasoned. Any attempt on my part to reiterate or expand on his consideration of the issues raised by and inherent to

¹ "[#40]" 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.

defendants' motion to dismiss would be nothing more than a festooned reiteration of his cogent analysis. Suffice it to say that I concur with his recommendation on all points and thus agree that defendants' motion to dismiss must be granted and plaintiff's claims dismissed.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#40], filed December 4, 2015, is approved and adopted as an order of this court;
2. That defendants' **Motion To Dismiss** [#20], filed March 13, 2015, is granted;
3. That judgment shall enter on behalf of defendants, the City of Louisville, Colorado; Louisville, CO Police Dept. (LPD); LPD Chief David Hayes; LPD Officer Josy Sundberg; LPD Officer Anthony Martinez; and LPD Sgt. Jay Lanphere, and against plaintiff, Mark A. Schreiner, as follows:
 - a. That judgment without prejudice shall enter as to the First, Third, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, and Eleventh Claims for Relief asserted in the **Complaint** [#3], filed February 11, 2015;
 - b. That judgment with prejudice shall enter as to the Second and Eighth Claims for Relief asserted in the **Complaint** [#3], filed February 11, 2015;and
4. That this case is closed.

Dated December 23, 2015, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge