

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 06-cv-00311-CMA-KLM

CASEY LEE SISNEROS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

---

**ORDER ADOPTING AND AFFIRMING JANUARY 30, 2009  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

---

This matter is before the Court on Defendant's Motion for Summary Judgment (Doc. # 104), filed November 12, 2008. The motion was referred to Magistrate Judge Kristen L. Mix for Recommendation by memorandum dated November 18, 2008. On January 30, 2009, Magistrate Judge Mix issued a Recommendation that the above-referenced motion be granted. (Doc. # 111 at 1.) The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B), Fed.R.Civ.P. 72(b).

The Recommendation advised the parties that specific written objections were due within ten (10) days after being served with a copy of the Recommendation. (Recommendation at 9.) Despite this advisement, no objections to the Magistrate Judge's Recommendation were filed by either party.

“In the absence of timely objection, the district court may review a magistrate. . . [judge's] report under any standard it deems appropriate.” *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating that “[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings”).

Applying this standard, I am satisfied that the Recommendation of Magistrate Judge Mix is sound and that there is no clear error on the face of the record. See Fed.R.Civ.P. 72(a). I agree that the above-referenced Motion for Summary Judgment should be granted. Accordingly, it is hereby

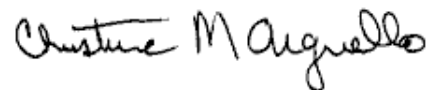
ORDERED that the Recommendation of United States Magistrate Judge Kristen L. Mix (Doc. # 111) is AFFIRMED and ADOPTED.

In accordance therewith, it is

FURTHER ORDERED that Defendant’s Motion for Summary Judgment (Doc. # 104) is GRANTED and this case is DISMISSED.

DATED: March 18, 2009

BY THE COURT:



---

CHRISTINE M. ARGUELLO  
United States District Judge