

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Honorable Marcia S. Krieger

Civil Action No. 07-cv-00698-MSK-BNB

LYNETTE CHRISTINE ARGUELLO,

Plaintiff,

v.

BOARD OF PAROLE,

Defendant.

---

**OPINION AND ORDER ADOPTING RECOMMENDATION AND  
DENYING PETITION**

---

**THIS MATTER** comes before the Court pursuant to the April 27, 2009 Recommendation (# 16) of United States Magistrate Judge Boyd N. Boland that the Petitioner's Petition (# 4) for writ of *habeas corpus* pursuant to 28 U.S.C. § 2241 be denied.

More than 10 days have passed since the issuance of the Recommendation and no party has filed objections. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1). Where no party files objections to a recommendation, the Court applies whatever standard of review to that recommendation that it deems appropriate. *Summers v. State of Utah*, 927 F.2d 1165, 1167 (10th Cir.1991). This Court has reviewed the recommendation under the otherwise applicable *de novo* standard of Fed. R. Civ. P. 72(b).

Upon *de novo* review, the Court reaches the same conclusion as the Magistrate Judge and for the same reasons. In addition, the Court notes that it appears that the Petitioner's parole termination date of November 30, 2009 has passed, and thus, she is no longer "in custody" under 28 U.S.C. § 2241, and this proceeding is therefore moot.

Accordingly, the Court **ADOPTS** the Recommendation (# **16**), and the Petitioner's Petition (# **4**) is **DENIED**. The Clerk of the Court shall close this case.

Dated this 29th day of January, 2010

**BY THE COURT:**



*Marcia S. Krieger*

---

Marcia S. Krieger  
United States District Judge