

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

Civil Action No. 07-cv-00956-CMA-BNB

ANGELO MARTINEZ,

Plaintiff,

v.

TIM HAND, Assistant Director, Colorado Board of Parole,

Defendant.

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**ORDER ADOPTING AND AFFIRMING APRIL 27, 2009 RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on Plaintiff's Application for a Writ of *Habeas Corpus* Pursuant to 28 U.S.C. § 2241 (Doc. # 4), filed May 31, 2007. The application was referred to Magistrate Judge Boyd N. Boland for a Recommendation by Order of Reference by United States District Judge Marcia Krieger, dated March 4, 2008, and by Amended Order of Reference by this Court, dated November 12, 2008. Magistrate Judge Boland issued a Recommendation on April 27, 2009 that the above-referenced application be denied. (Recommendation 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 3.) 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 Boland 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 application for a writ of *habeas corpus* should be denied. Accordingly, it is hereby

ORDERED that the Recommendation of United States Magistrate Judge Boyd N. Boland (Doc. # 14), filed April 27, 2009, is AFFIRMED and ADOPTED.

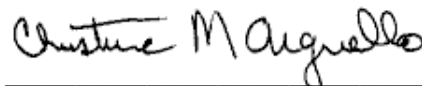
In accordance therewith, it is

FURTHER ORDERED that Plaintiff’s Application for a Writ of *Habeas Corpus* Pursuant to 28 U.S.C. § 2241 (Doc. # 4), filed May 31, 2007 is DENIED. It is

FURTHER ORDERED that this civil action is DISMISSED WITH PREJUDICE.

DATED: May 19, 2009

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge