

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Chief Judge Wiley Y. Daniel**

Civil Action No. 07-cv-01459-WYD-KMT

GREGORY A. BLUE,

Plaintiff,

v.

FEDERAL POSTAL INSPECTOR SKAFETTIE,  
FEDERAL POSTAL INSPECTOR JOHN DOE 2,

Defendants.

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**ORDER AFFIRMING AND ADOPTING RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

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THIS MATTER is before the Court on Defendant Scaffidi's<sup>1</sup> Motion for Summary Judgment (docket #86), filed November 25, 2009. The motion was referred to Magistrate Judge Kathleen M. Tafoya for a Recommendation by Order of Reference dated November 25, 2009. Magistrate Judge Tafoya issued a Recommendation on January 21, 2010. Specifically, Magistrate Judge Tafoya recommended that the pending motion be granted, and that the claims against Defendant Scaffidi be dismissed in their entirety, with prejudice. (Recommendation at 12.) The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b).

Magistrate Judge Tafoya advised the parties that written objections were due within fourteen (14) days after service of a copy of the Recommendation.

(Recommendation at 12-13.) Despite this advisement, no objections were filed to the

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<sup>1</sup> Plaintiff misspells Defendant Inspector Scaffidi's name as "Skafettie." The Court will refer to this Defendant with the correct spelling of "Scaffidi."

Recommendation. No objections having been filed, I am vested with discretion to review the Recommendation "under any standard [I] deem[] appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); *see also 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"). Nonetheless, though not required to do so, I review the Recommendation to "satisfy [my]self that there is no clear error on the face of the record."<sup>2</sup> *See* FED. R. CIV. P. 72(b) Advisory Committee Notes.

Having reviewed the Recommendation, I am satisfied that there is no clear error on the face of the record. I find that Magistrate Judge Tafoya's Recommendation is thorough, well reasoned and sound. I agree with Magistrate Judge Tafoya that the pending motion should be granted and that the claims against Defendant Scaffidi should be dismissed in their entirety, with prejudice for the reasons stated in both the Recommendation and this Order.

Based on the foregoing, it is

ORDERED that the Recommendation of United States Magistrate Judge Tafoya (docket #91), filed January 21, 2010, is **AFFIRMED** and **ADOPTED**.

In accordance therewith, it is

FURTHER ORDERED that the Defendant Scaffidi's Motion for Summary Judgment (docket #86) is **GRANTED**, and that the claims against Defendant Scaffidi are **DISMISSED WITH PREJUDICE** in their entirety.

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<sup>2</sup> Note, this standard of review is something less than a "clearly erroneous or contrary to law" standard of review, FED. R. CIV. P. 72(a), which in turn is less than a de novo review, FED. R. CIV. P. 72(b).

Dated: February 10, 2010

BY THE COURT:

s/ Wiley Y. Daniel  
Wiley Y. Daniel  
Chief United States District Judge