

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable R. Brooke Jackson

Civil Action No. 07-cv-01712-RBJ-MEH

PETER GEORGACARAKOS,

Plaintiff,

v.

WILEY, *et al.*,

Defendants.

**ORDER ADOPTING AND AFFIRMING FEBRUARY 1, 2012 RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the February 1, 2012 Recommendation by Magistrate Judge Michael E. Hegarty (Docket #886). Judge Hegarty recommends that the Third Motion for Summary Judgment be GRANTED (Docket #864). 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 fourteen (14) days after being served with a copy of the Recommendation (#886). Despite this advisement, no objections to Judge Hegarty's Recommendation were filed by either party. After receiving a letter from plaintiff on February 21, 2012 this Court granted plaintiff an additional 14 days to file an objection to Judge Hegarty's Recommendation (#888). Again, no objection was filed. "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”).

The Court has reviewed all the relevant pleadings concerning the Recommendation. Based on this review, the Court concludes that the Magistrate Judge’s analyses and recommendations are correct, and that “there is no clear error on the face of the record.” Fed. R. Civ. P. 72 advisory committee’s note. Therefore, the Court ADOPTS the Recommendation of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge, Doc. #886, is AFFIRMED and ADOPTED. It is further ORDERED that defendant’s Motion for Summary Judgment, Doc. #864 is GRANTED and the remaining Claim Two is DISMISSED. Accordingly, all claims filed in this case have been considered, all motions have been resolved, and the Court orders that a final judgment enter dismissing the case with prejudice.

DATED this 12th day of March, 2012.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Brooke Jackson", with a long, sweeping horizontal stroke extending to the right.

R. Brooke Jackson
United States District Judge