

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

Civil Action No. 07-cv-01732-CMA-MEH

NATHANIEL HAMPTON,

Plaintiff,

v.

PEREZ, CPO,
UNKNOWN NAMED COP, D.O.C., CM,
PAROLE BOARD APPEAL REVIEWING OFFICERS on Dec. 19, 2006,
WATERS, Parole Board Hearing Officer, and
MARK ALLISON, CPO,

Defendants.

**ORDER ADOPTING AND AFFIRMING APRIL 6, 2009 RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on Defendants' Combined Motion to Dismiss and Memorandum Brief In Support of Motion to Dismiss Third Amended Complaint (Doc. # 64), filed November 17, 2008. The motion was referred to Magistrate Judge Michael E. Hegarty for a Recommendation by Order of Reference dated November 17, 2008. Magistrate Judge Hegarty issued a Recommendation on April 6, 2009 that the above-referenced motion be granted. (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 1.) 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 Hegarty 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 to dismiss should be granted. Accordingly, it is hereby

ORDERED that the Recommendation of United States Magistrate Judge Michael E. Hegarty (Doc. # 97), filed April 6, 2009, is AFFIRMED and ADOPTED.

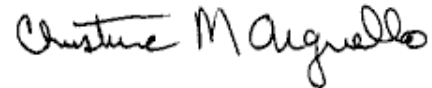
In accordance therewith, it is

FURTHER ORDERED that Defendants' Combined Motion to Dismiss and Memorandum Brief In Support of Motion to Dismiss Third Amended Complaint (Doc. # 64), filed November 17, 2008 GRANTED, and this case is hereby DISMISSED .

FURTHER, this Court DECLINES to exercise supplemental jurisdiction over any state claims in this matter.

DATED: April 22, 2009

BY THE COURT:

A handwritten signature in cursive script that reads "Christine M. Arguello".

CHRISTINE M. ARGUELLO
United States District Judge