

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

Civil Action No. 07-cv-02593-CMA-MEH

PETER P. MAUHLIN,

Plaintiff,

v.

BIER, SIS Correctional Supervisor,
A. OSAGIE, Physician Assistant,
DALGLEISH, EMT,
BARRY, Correctional Supervisor,
HAM, Correctional Supervisor,
JOHN DOE 1, Correctional Officer, and
JOHN DOE 2, Medical Officer,

Defendants.

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

This matter is before the Court on Plaintiff's Motion to File a Supplemental Complaint (Doc. # 79), filed November 26, 2008. The motion was referred to Magistrate Judge Michael E. Hegarty for a Recommendation by Order of Reference dated December 1, 2008. Magistrate Judge Hegarty issued a Recommendation (Doc. # 89) on January 6, 2009 that the above-referenced motion 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 1.) Despite this advisement, no objections to the Magistrate

Judge's Recommendation were filed by either party. The Court notes that on January 15, 2009, Plaintiff submitted a letter (Doc. # 94) clarifying an exhibit, but expressly stated in the letter that he could "find no basis in law or reason to object to" the Magistrate Judge's Report and Recommendation.

"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 file a supplemental complaint should be denied. Accordingly, it is hereby

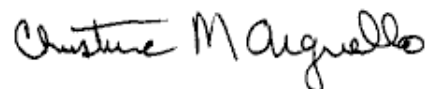
ORDERED that the Recommendation of United States Magistrate Judge Michael E. Hegarty (Doc. # 89), filed January 6, 2009, is AFFIRMED and ADOPTED.

In accordance therewith, it is

FURTHER ORDERED that Plaintiff's Motion to File a Supplemental Complaint Consolidate (Doc. # 79), filed November 26, 2008 is DENIED. It is

DATED: January 16, 2009

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge