

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 08-cv-00922-LTB-KLM

NICKY L. SMITH,

Plaintiff,

v.

WARDEN MILYARD, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Defendants.

ORDER

This case is before me on the recommendation of the Magistrate Judge issued and served on September 1, 2009 (Doc 41). Plaintiff has failed to file specific written objections to the Magistrate Judge's recommendation and is therefore barred from *de novo* review. Accordingly, it is

ORDERED that the recommendation is accepted, the Application for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is DENIED (Doc 5) and this action is DISMISSED.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Judge

DATED: September 28, 2009