

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

Civil Action No. 08-cv-00940-CMA-BNB

DAVID PEREZ,

Plaintiff,

v.

SHERIFF G. ROBINSON,

Defendant.

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**ORDER ADOPTING AND AFFIRMING AUGUST 10, 2009 RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on Defendant Robinson's Motion to Dismiss (Doc. # 14). The Court referred the Motion to the Magistrate Judge for a Recommendation on October 14, 2008 (Doc. # 15). The Magistrate Judge issued a Recommendation on August 10, 2009 (Doc. # 29). The Magistrate Judge recommended that the Court grant Defendant's Motion. 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. Despite this advisement, neither party filed objections to the Magistrate Judge's 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, the Court is satisfied that the Recommendation of the Magistrate Judge is sound and that there is no clear error on the face of the record.

See Fed.R.Civ.P. 72(a).

Accordingly, it is

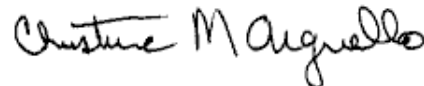
ORDERED that the Recommendation of United States Magistrate Judge (Doc. # 29) is AFFIRMED and ADOPTED; it is

FURTHER ORDERED that Defendant Robinson’s Motion to Dismiss (Doc. # 14) is GRANTED; and it is

FURTHER ORDERED that this case is DISMISSED.

DATED: September   3  , 2009

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge