

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 08-cv-01031-PAB-CBS

RONALD ROY HOODENPYLE, Trustee, High Chaparral Holding Trust,

Plaintiff,

v.

DEUTSCHE NATIONAL BANK HOLDING TRUST,
TRUSTEE NEW CENTURY MORTGAGE CO.,
ARONOWITZ & FORD LLP, and
JOHN AND JANE DOE 1-20,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge Kathleen M. Tafoya filed on February 11, 2009 [Docket No. 26]. The Recommendation states that objections to the Recommendation must be filed within ten days after its service on the parties. *See also* 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on February 11, 2009. Twenty-two days have passed and no party has objected to the Recommendation.

In the absence of an objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate. *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“[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”). In this matter, I have reviewed the Recommendation to

satisfy myself that there is “no clear error on the face of the record.”¹ See Fed. R. Civ. P. 72(b), Advisory Committee Notes. Based on this review, I have concluded that the Recommendation is a correct application of the facts and the law. Accordingly, it is

ORDERED as follows:

1. The Recommendation of United States Magistrate Judge [Docket No. 26] is ACCEPTED.

2. Defendant Aronowitz & Ford, LLP’s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1), (2), (5), and (6) [Docket No. 9] is GRANTED and all claims of plaintiff against Aronowitz & Ford, LLP are dismissed with prejudice.

3. The Complaint, and all claims asserted therein against all defendants, is dismissed with prejudice for lack of subject matter jurisdiction.

4. All other pending motions are DENIED as moot.

DATED March 5, 2009.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge

¹This standard of review is something less than a “clearly erroneous or contrary to law” standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a de novo review. Fed. R. Civ. P. 72(b).