

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

Civil Action No. 08-cv-01334-PAB-CBS

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$216,853.32 SEIZED FROM BANK ONE ACCT. #1200396842, and
\$35,063.00 SEIZED FROM KEY BANK ACCT. #760160002167,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge Craig B. Shaffer filed on October 2, 2009 [Docket No. 19]. 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 October 2, 2009. 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. 19] is ACCEPTED.

2. Plaintiff’s Motion for Default Judgment and Final Order of Forfeiture [Docket No. 17] is GRANTED.

3. Default judgment and forfeiture of the following defendants:

- a. \$216,853.32 seized from Bank One and
- b. \$35,063.00 seized from Key Bank,

including all right, title, and interest, is entered in favor of plaintiff United States of America.

4. Plaintiff United States of America shall have full and legal title to the defendant property and may dispose of said property in accordance with law.

5. This Default Judgment and Final Order of Forfeiture shall serve as a Certificate of Reasonable Cause under 28 U.S.C. § 2465.

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).

DATED October 30, 2009.

BY THE COURT:

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