

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

Civil Action No. 08-cv-02182-PAB-KMT

JEREMY J. LOYD,

Plaintiff,

v.

PAUL PRENDERGAST, individually and in his official capacity as SOMB Board Chair,  
PEGGY HEIL, individually and in her official capacity as Chief of Rehabilitation

Programs,

BURL MCCULLAR, individually and in his official capacity as Sex Offender Treatment  
Program Manager,

SAMUEL DUNLAP, individually and in his official capacity as SOTMP Phase II Program  
Coordinator,

CHRISTINE TYLER, individually and in her official capacity as SOTMP Therapist,

AMICH & JENKS, INC., a Colorado corporation,

JEFFREY JENKS, individually and in his official capacity as Polygrapher and partner,  
Amich & Jenks, Inc.,

TOM SHEELY, individually and in his official capacity as Polygrapher, Amich & Jenks,  
Inc., and

COREY SCHMIDT, individually and in his official capacity as Polygrapher, Amich &  
Jenks, Inc.,

Defendants.

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**ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION**

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This matter is before the Court on the Recommendation of United States Magistrate Judge Kathleen M. Tafoya filed on July 10, 2009 [Docket No. 46]. 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 July 10, 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.”<sup>1</sup> 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. 46] is ACCEPTED.
2. The Motion to Dismiss defendants Amich & Jenks, Inc., Jeffrey Jenks, Tom Sheely and Corey Schmidt [Docket No. 28] is GRANTED.

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<sup>1</sup>This 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).

3. All claims asserted in this matter against defendants Amich & Jenks, Inc., Jeffrey Jenks, Tom Sheely and Corey Schmidt, in all capacities, are dismissed with prejudice.

DATED August 13, 2009.

BY THE COURT:

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