

**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, and
CHRISTINE TYLER, individually and in her official capacity as SOTMP Therapist,
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 July 16, 2009 [Docket No. 47]. 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 17, 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. 47] is ACCEPTED.
2. The Motion to Dismiss [Docket No. 25] is GRANTED.

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).

3. All claims asserted in this matter against defendants Paul Prendergast, Peggy Heil, Burl McCullar, Samuel Dunlap and Christine Tyler are dismissed with prejudice.

4. This matter, and all claims asserted therein, is dismissed with prejudice.

DATED August 14, 2009.

BY THE COURT:

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