

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

Civil Action No. 08-cv-02466-CMA-KLM

DAVID ZIEGLER,

Plaintiff,

v.

SAFEWAY INC., a Delaware corporation,

Defendant.

**ORDER ADOPTING AND AFFIRMING AUGUST 25, 2009 RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on Defendant's Motion for Summary Judgment (Doc. # 20), filed March 12, 2009. The motion was referred to Magistrate Judge Kristen L. Mix for a Recommendation by Order of Reference dated May 22, 2009. Magistrate Judge Mix issued a Recommendation (Doc. # 35) on August 25, 2009 that the above-referenced case be dismissed with prejudice. (Recommendation at 1.) That 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. (Recommendation at 5.) Despite this advisement, no objections to the Magistrate Judge's Recommendation were filed by either party.

“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, I am satisfied that the Recommendation of Magistrate Judge Mix is sound and that there is no clear error on the face of the record. See Fed.R.Civ.P. 72(a). I agree with the Magistrate Judge that the above-referenced case should be dismissed. Accordingly, it is hereby

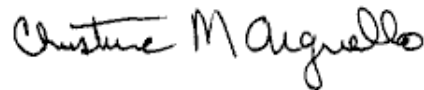
ORDERED that the Recommendation of United States Magistrate Judge Kristen L. Mix (Doc. # 35), filed August 25, 2009, is AFFIRMED and ADOPTED.

In accordance therewith, it is

FURTHER ORDERED that this case is hereby DISMISSED WITH PREJUDICE.

DATED: September 18, 2009

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge