

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

Civil Action No. 09-cv-00205-CMA-KMT

ROBERT D. GANDY,

Plaintiff,

v.

JULIE RUSSELL, and
STEVE HARTLEY,

Defendants.

**ORDER ADOPTING AND AFFIRMING JANUARY 10, 2011 RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on Defendants' Motion for Summary Judgment (Doc. # 83), filed October 12, 2010. The motion was referred to Magistrate Judge Kathleen M. Tafoya for a Recommendation by Order of Reference dated October 13, 2010. On January 10, 2011, Magistrate Judge Tafoya issued a Report and Recommendation (Doc. # 102), recommending that the Motion be denied and that the matter be set for further proceedings.

The Magistrate Judge's Recommendation advised the parties that specific written objections were due within fourteen (14) days after being served with a copy of the Recommendation. (Doc. # 102 at 16-17.) Although Defendants stated that they planned to file objections to the Recommendation, no objections have been filed. "In the absence of timely objection, the district court may review a magistrate . . .

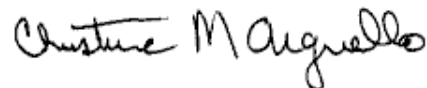
[judge's] report under any standard it deems appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings").

The Court has reviewed all the relevant pleadings, including the Motion for Summary Judgment, Plaintiff's Response, Defendants' Reply, and the Report and Recommendation. Based on this review, the Court concludes that the Magistrate Judge's thorough and comprehensive analyses and recommendations regarding the Motion for Summary Judgment are correct and that "there is no clear error on the face of the record." Fed. R. Civ. P. 72 advisory committee's note. Therefore, the Court ADOPTS the Recommendation of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, IT IS ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 102) is ACCEPTED and Defendants' Motion for Summary Judgment (Doc. # 83), is DENIED.

DATED: May 23, 2011.

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge