

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

Civil Action No. 09-cv-00321-CMA-BNB

JERMAINE C. TARVER,

Applicant,

v.

J. M. WILNER, Warden, FCI Florence,

Respondent.

**ORDER ADOPTING AND AFFIRMING APRIL 6, 2010 RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the April 6, 2010 Recommendation by the Magistrate Judge that Petitioner's Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 be denied (Doc. # 15.) The 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 fourteen (14) days after being served with a copy of the Recommendation. (Doc. # 15 at 4.) 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”).

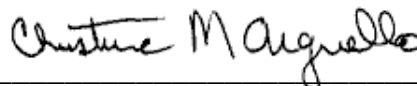
The Court has reviewed all the relevant pleadings, i.e., the Application, its supplement, the response, and the Recommendation.¹ Based on this review, the Court concludes that the Magistrate Judge’s analyses and recommendations are correct and that “there is no clear error on the face of the record.” 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. # 15), filed April 6, 2010, is ACCEPTED, and, for the reasons cited therein, Petitioner’s Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, filed February 17, 2009 (Doc. # 2), is DENIED and this civil action is DISMISSED WITH PREJUDICE.

DATED: May 28, 2010.

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge

¹ (Doc. ## 2, 4, 13, 15.)