

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

Civil Case No. 09-cv-01148-PAB-MJW

SHAWN A. JACKSON,

Plaintiff,

v.

RICHARD WILEY, et al.,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge Michael J. Watanabe filed on June 14, 2010 [Docket No. 41]. The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. See 28 U.S.C. § 636(b). The Recommendation was served on June 14, 2010, and 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 that the Recommendation of United States Magistrate Judge [Docket No. 41] is ACCEPTED. It is further

ORDERED that plaintiff’s complaint [Docket No. 3] is DISMISSED without prejudice. It is further

ORDERED that defendants’ motion to dismiss [Docket No. 32] is DENIED as moot. It is further

ORDERED that judgment shall enter in favor of defendants and against plaintiff.

DATED July 12, 2010.

BY THE COURT:

s/ Philip A. Brimmer

PHILIP A. BRIMMER
United States District Judge

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).