

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

Civil Action No. 09-cv-01196-CMA-MEH

NATHAN JERARD DUNLAP, and
MATTHEW FRANSISCO ALFARO,

Plaintiffs,

v.

ARISTEDES ZAVARAS, individually, and in his official capacity
as Executive Director of the Colorado Department of Corrections,
SUSAN JONES, individually, and in her official capacity
as the Warden of the Colorado State Penitentiary,
D. COMBS, whose true name is unknown, individually, and in his official capacity
as a hearing committee member,
K. MOORE, whose true name is unknown, individually, and in her official capacity
as a hearing committee member, and
J. OLSON, whose true name is unknown, individually, and in his official capacity
as a hearing committee member chairperson,

Defendants.

**ORDER ADOPTING AND AFFIRMING JANUARY 28, 2010
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the parties' Joint Stipulated Motion To Dismiss All Claims Brought By Plaintiff Alfaro (Doc. # 45), filed January 26, 2010. The motion was referred to Magistrate Judge Michael E. Hegarty for a Recommendation by Order of Reference dated January 26, 2010. Magistrate Judge Hegarty issued a Recommendation on January 28, 2010 that the above-referenced motion be granted. (Recommendation at 1.) 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. (Recommendation at 2.) 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 Hegarty is sound and that there is no clear error on the face of the record. See Fed.R.Civ.P. 72(a). I agree that the above-referenced stipulated motion to dismiss all claims brought by Plaintiff Alfaro (Doc. # 45) should be granted. Accordingly, it is hereby

ORDERED that the Recommendation of United States Magistrate Judge Michael E. Hegarty (Doc. # 47), filed January 28, 2010, is AFFIRMED and ADOPTED.

In accordance therewith, it is

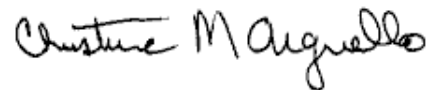
FURTHER ORDERED that the parties' Joint Stipulated Motion To Dismiss All Claims Brought By Plaintiff Alfaro (Doc. # 45), filed January 26, 2010, is GRANTED.

It is

FURTHER ORDERED that the caption on all subsequent filings shall reflect the removal of Matthew Fransisco Alfaro as a Plaintiff in this case.

DATED: February 19, 2010

BY THE COURT:

A handwritten signature in black ink that reads "Christine M. Arguello". The signature is written in a cursive style with a large, looped initial "C".

CHRISTINE M. ARGUELLO
United States District Judge