

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge William J. Martínez**

Civil Action No. 09-cv-01531-WJM-KMT

TERRY BLEVINS

Plaintiff,

v.

JEFF WELLS,

Defendant.

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**ORDER ADOPTING MARCH 14, 2011 RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on the March 14, 2011 Recommendation by Magistrate Judge Kathleen M. Tafoya (ECF No. 79) that “Defendant’s Motion for Summary Judgment” (ECF No. 64) be GRANTED for Plaintiff’s failure to exhaust his administrative remedies. 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 days after being served with a copy of the Recommendation. (ECF No. 79 at 7-8.) 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 concludes the Magistrate Judge’s analyses and recommendations are correct and “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 (ECF No. 79), filed March 14, 2011, is APPROVED, and, for the reasons cited therein,

- “Defendant’s Motion for Summary Judgment” (ECF No. 64) is GRANTED for Plaintiff’s failure to exhaust his administrative remedies.
- Defendant shall have his costs by the filing of a Bill of Costs with the Clerk of this Court within fourteen days of the entry of judgment. Defendant’s request for attorney’s fees is hereby DENIED.

Dated this 20<sup>th</sup> day of April, 2011.

BY THE COURT:



William J. Martínez  
United States District Judge