

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

Civil Action No. 09-cv-01394-CMA-MJW
(Consolidated with Civil Action Nos. 09-cv-01780-CMA-KLM and
09-cv-01810-CMA-KLM)

RONALD H. MAST, an individual,

Plaintiff,

v.

WELLS FARGO HOME LOANS,

Defendant.

**ORDER ADOPTING AND AFFIRMING NOVEMBER 12, 2009 RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on Motions to Dismiss filed by the Defendants in each of the above-referenced cases:

(1) Wells Fargo Home Loans, Civil Action No. 09-01394, Doc. #11 (filed on July 10, 2009);

(2) EMC Mortgage Corporation, Civil Action Nos. 09-01780 and 09-01810, Doc. # 13 and Doc. # 15, respectively (both filed on August 24, 2009); and

(3) BAC Home Loans (f/k/a Countrywide Home Loans), Civil Action No. 09-01810, Doc. # 9 (filed on August 6, 2009)

The cases have been consolidated, pursuant to an October 15, 2009 Order (Doc. # 26), because they involve common questions of law or fact, including common parties and common claims. The motions were referred to Magistrate Judge Kristen L. Mix for a Recommendation. Magistrate Judge Mix issued a Recommendation on November 12,

2009 that the above-referenced motions be granted. (Doc. # 31 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 ten (10) days after being served with a copy of the Recommendation.¹ (Doc. # 31 at 17.) 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 Mix 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 Motions to Dismiss be granted. Accordingly, it is hereby

ORDERED that the Recommendation of United States Magistrate Judge Kristen L. Mix, filed November 12, 2009, is AFFIRMED and ADOPTED.

¹ Though Fed.R.Civ.P. 72(b) was recently-revised to allow a party 14 days to serve and file specific written objections, the Rules in effect at the time of the Recommendation allowed a party 10 days to serve and file specific written objections.

In accordance therewith, it is

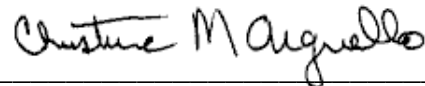
FURTHER ORDERED that the following Motions to Dismiss are GRANTED:

- (1) Wells Fargo Home Loans, Civil Action No. 09-01394, Doc. #11 (filed on July 10, 2009);
- (2) EMC Mortgage Corporation, Civil Action Nos. 09-01780 and 09-01810, Doc. # 13 and Doc. # 15, respectively (both filed on August 24, 2009); and
- (3) BAC Home Loans (f/k/a Countrywide Home Loans), Civil Action No. 09-1810, Doc. # 9 (filed on August 6, 2009).

IT IS FURTHER ORDERED that Plaintiff's complaints in each of the underlying actions are DISMISSED WITH PREJUDICE.

DATED: December 18, 2009

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge