

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

Civil Action No. 09-cv-02207-CMA-KLM

JOSE MEDINA ESCOBAR,

Plaintiff,

v.

WARDEN S. JONES,
ASSOCIATE WARDEN B. ALLEN,
DIRECTOR B. ZALMAN,
MAJOR HOLDITCH,
CAPTAIN K. FOSTER,
CAPTAIN J. DALTON,
LIEUTENANT MARTZ,
LIEUTENANT CHAVEZ,
SERGEANT A. LUNA,
SERGEANT P. BINDER,
SERGEANT J. WEST,
SERGEANT HARDRICK,
SERGEANT HUDSPETH,
SERGEANT KELEMAN,
C/O D. GALLAGHER,
C/O BRYANT,
C/O A. DALTON,
C/O R. MARTINEZ,
C/O V. PASARO,
NURSE N. WALKER,
DOCTOR WRIGHT,
CAPTAIN HUERTAS, individually and as Unit Shift Commander,
LIEUTENANT VAN VELDER, individually and as Unit Supervisor,
SERGEANT POOL, individually and as D-Unit Technician,
C/O GIORDANO, and
C/O KAISER,

Defendants.

**ORDER AFFIRMING JANUARY 19, 2012 ORDER OF UNITED STATES
MAGISTRATE JUDGE**

This matter is before the Court on the January 19, 2012 Recommendation by United States Magistrate Judge Kristen L. Mix that Defendants' Motion for Summary Judgment (Doc. # 119) be granted in part and denied in part. (Doc. # 147.) 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. # 147 at 35.) Despite this advisement, no objections to Magistrate Judge Mix'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.")).

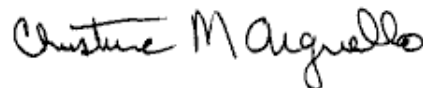
The Court has reviewed all the relevant pleadings concerning Defendants' Motion for Summary Judgment and the Recommendation. Based on this review, the Court concludes that Magistrate Judge Mix's thorough and comprehensive analyses and recommendations are correct and that "there is no clear error on the face of the record."

Fed. R. Civ. P. 72 advisory committee's note. Therefore, the Court ADOPTS the Recommendation of Magistrate Judge Mix as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 147) is AFFIRMED and ADOPTED. It is FURTHER ORDERED that Defendants' Motion for Summary Judgment (Doc. # 119) be GRANTED IN PART and DENIED IN PART as provided for in the Recommendation. (See Doc. # 147 at 33-35.)

DATED: February 10, 2012

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge