

**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.

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,

Defendants.

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**ORDER AFFIRMING NOVEMBER 21, 2012 RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on the November 21, 2012 Recommendation by United States Magistrate Judge Kristen L. Mix. (Doc. # 185.) In her Recommendation, the Magistrate Judge recommended that Plaintiff Jose Medina Escobar's Motion for Injunctive Relief (Doc. # 171) be denied; that Plaintiff's Motion for Leave to Submit Affidavit (Doc. # 172), Plaintiff's Motion for Leave to supplement Motion for Injunctive Relief (Doc. # 175), and Plaintiff's Motion to Further Supplement Motion for Injunctive

Relief (Doc. # 178) all be granted; and that Defendants' Motion to Extend Time to Respond to Motion for Temporary Restraining Order (Doc. # 177) be denied as moot. 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.<sup>1</sup> (Doc. # 185 at 12.) 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.")).

Based on the Court's review of the relevant motions and the Recommendation, 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.

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<sup>1</sup> At the Final Trial Preparation Conference, the Court also informed the parties that they had until December 12, 2012 to file written objections to Magistrate Judge Mix's Recommendation.

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 185) is AFFIRMED and ADOPTED.

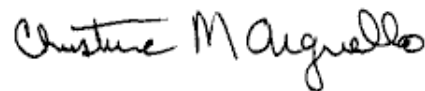
It is FURTHER ORDERED that Plaintiff's Motion for Injunctive Relief (Doc. # 171) is DENIED.

It is FURTHER ORDERED that Plaintiff's Motion for Leave to Submit Affidavit (Doc. # 172), Plaintiff's Motion for Leave to Supplement Motion for Injunctive Relief (Doc. # 175), and Plaintiff's Motion to Further Supplement Motion for Injunctive Relief (Doc. # 178) are GRANTED.

It is FURTHER ORDERED that Defendants' Motion to Extend Time to Respond to Motion for Temporary Restraining Order (Doc. # 177) is DENIED AS MOOT.

DATED: December 13, 2012

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge