IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 09-cv-02658-PAB-KLM

ROBERT FRANK HARRIS,

     Plaintiff,

v.

UNITED STATES OF AMERICA,

     Defendant.

_____

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION
_____

This matter is before the Court on the Recommendation of United States

Magistrate Judge Kristen L. Mix filed on June 18, 2010 [Docket No. 33]. The

Recommendation states that objections to the Recommendation must be filed within

fourteen days after its service on the parties. *See also* 28 U.S.C. § 636(b)(1)(C). The

Recommendation was served on June 18, 2010. No party has objected to the

Recommendation.

In the absence of an objection, the district court may review a magistrate judge's

recommendation under any standard it deems appropriate. *Summers v. Utah*, 927 F.2d

1165, 1167 (10th Cir. 1991); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("[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"). In this matter, I have reviewed the Recommendation to

satisfy myself that there is "no clear error on the face of the record."[1] *See* Fed. R. Civ. P. 72(b), Advisory Committee Notes. Based on this review, I have concluded that the Recommendation is a correct application of the facts and the law. Accordingly, it is

   ORDERED as follows:

   1. The Recommendation of United States Magistrate Judge [Docket No. 33] is ACCEPTED.

   2. Defendant's motion to dismiss [Docket No. 14] is GRANTED.

   3. This case is dismissed pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject-matter jurisdiction.

   DATED July 20, 2010.

                              BY THE COURT:

                              s/Philip A. Brimmer
                              PHILIP A. BRIMMER
                              United States District Judge

---

[1]This standard of review is something less than a "clearly erroneous or contrary to law" standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a de novo review. Fed. R. Civ. P. 72(b).