

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

Civil Action No. 09-cv-02662-CMA-MJW

JERRY LEWIS DEDRICK,

Plaintiff,

v.

J. M. WILNER, Warden,
B. GREENWOOD, AHSA,
B. CINK, P.A.,
MRS. REICHERT, P.A., and
L. MILUSNIC, A.W.,

Defendants,

FEDERAL BUREAU OF PRISONS,

Interested Party.

**ORDER ADOPTING AND AFFIRMING OCTOBER 8, 2010 RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Michael J. Watanabe pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b). (Doc. # 40.) On September 22, 2010, *pro se* prisoner Plaintiff Jerry Lewis Dedrick filed a Motion for An [sic] Court Order Compelling Co-Defendant, L. Milusnic, A.W. to Stop Retaliation Against Plaintiff. (Doc. #114.) In particular, Plaintiff contends that Defendant Milusnic has refused to sign documents that would enable Plaintiff to transfer to a new facility, in retaliation for Plaintiff's filing the above-captioned lawsuit against Defendant Milusnic, among others. Defendants J.M.

Wilner, Bradley Cink, Edith Reichert, and Associate Warden Louis J. Milusnic responded on October 6, 2010 (Doc. # 120).¹ On October 8, 2010, Magistrate Judge Watanabe issued a Recommendation, recommending that Plaintiff's Motion be denied. (Doc. # 122 at 7.) 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. # 122 at 7.) 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, the Court is satisfied that the Recommendation of Magistrate Judge Watanabe is sound and that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(a). The Court agrees that the above-referenced Motion be denied.

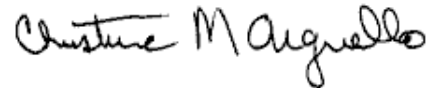
¹ Defendant B. Greenwood has not yet been served, does not waive proper service of the Amended Complaint and, therefore, has not responded to Plaintiff's Motion. (See Doc. # 63.)

Accordingly, IT IS HEREBY ORDERED THAT:

- (1) The Recommendation of United States Magistrate Judge Michael J. Watanabe, filed October 8, 2010, (Doc. # 122) is AFFIRMED and ADOPTED; and
- (2) Plaintiff's Motion for An [sic] Court Order Compelling Co-Defendant, L. Milusnic, A.W. to Stop Retaliation Against Plaintiff (Doc. # 114) is DENIED.

DATED: November 23, 2010

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge