

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 10-cv-00239-CMA-KMT

TODD TOBARA,

Plaintiff,

v.

LT. MORRISON (Faith Coordinator),

Defendant.

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**ORDER ADOPTING AND AFFIRMING AUGUST 9, 2010 RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on the August 9, 2010 Recommendation by the United States Magistrate Judge that “Defendant’s Motion to Dismiss Pursuant to Fed. Civ. R. P. 12(b)(6), or for Summary Judgment” (Doc. # 13) be GRANTED, and that this case be dismissed in its entirety for Plaintiff’s failure to exhaust his administrative remedies. 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 days after being served with a copy of the Recommendation. (Doc. # 15 at 9-10.) 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”).

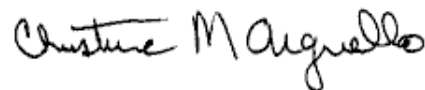
The Court concludes that the Magistrate Judge’s thorough and comprehensive analyses and recommendations are correct and that “there is no clear error on the face of the record.” See Fed. R. Civ. P. 72(b) advisory committee’s note. Therefore, the Court hereby ADOPTS the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is:

ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 15), filed August 9, 2010, is ACCEPTED, and, for the reasons cited therein, Defendant’s Motion to Dismiss Pursuant to Fed. Civ. R. P. 12(b)(6), or for Summary Judgment (Doc. # 13) is GRANTED. Accordingly, this case is DISMISSED.

DATED: September 9, 2010

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge