

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

Civil Action No. 10-cv-01935-PAB-MEH

SCOTT NAGLE,

Plaintiff,

v.

SHERIFF TED MINK, in his official and individual capacities,  
UNDERSHERIFF RAY FLEER, in his individual capacity,  
CHIEF JEFFREY SHRADER, in his individual capacity, and  
CAPTAIN PATRICIA WOODIN, in her individual capacity,

Defendants.

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**ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION**

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This matter is before the Court on the Recommendation of United States Magistrate Judge Michael E. Hegarty filed on December 16, 2011 [Docket No. 68]. 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 December 19, 2011. 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.”<sup>1</sup> 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. 68] is ACCEPTED.

2. The Court approves the proposed deadlines in the Recommendation, as follows: plaintiff’s response to defendants’ motion for summary judgment shall be filed on or before **January 10, 2012**; defendants’ reply shall be filed on or before **January 24, 2012**; and the parties shall file Rule 702 motions on or before **January 13, 2012**.

DATED January 9, 2012.

BY THE COURT:

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

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<sup>1</sup>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).