

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

Civil Action No. 10-cv-02207-CMA-MJW

SHAWN D. ALLEN,

Plaintiff,

v.

N. ALLEN,
C. FLORY,
A. COSNER,
K. NORDELL,
A. MEDINA,
K. SOKOL, and
C. TUTTLE,

Defendants.

**ORDER AFFIRMING APRIL 17, 2012 RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the April 17, 2012 Recommendation by United States Magistrate Judge Michael J. Watanabe that Defendants' Motion for Summary Judgment (Doc. # 96) be granted. (Doc. # 127 at 31.) 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. # 147 at 31.) Despite this advisement, no objections to Magistrate Judge Watanabe's Recommendation have been 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.”).

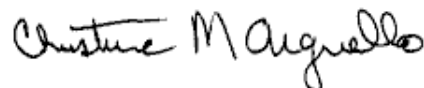
The Court has reviewed all the relevant pleadings concerning Defendants’ Motion for Summary Judgment and the Recommendation. Based on this review, the Court concludes that Magistrate Judge Watanabe’s thorough and comprehensive analyses and recommendations are correct and that “there is no clear error on the face of the record.” Fed. R. Civ. P. 72 advisory committee’s note. Therefore, the Court ADOPTS the Recommendation of Magistrate Judge Watanabe as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 127) is AFFIRMED and ADOPTED.

It is FURTHER ORDERED that Defendants’ Motion for Summary Judgment (Doc. # 96) be GRANTED, and this case is hereby DISMISSED WITH PREJUDICE.

DATED: May 09, 2012

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge