

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable R. Brooke Jackson

Civil Action No. 10-cv-02417-RBJ-BNB

DEAN GATES,

Plaintiff,

v.

SHARON PHILLIPS,
JOSEPH SINGLETON,
DR. WORMER,
LAURIE O'NEAL,
J. HOOKER,
J. WESCOT, and
ALL NURSES OVERSEEING MY CARE FROM 12-3-08 TIL 12-27-08,

Defendants.

**ORDER ADOPTING AND AFFIRMING MARCH 19, 2012 RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the March 19, 2012 Recommendations by Magistrate Judge Boyd N. Boland that defendants' Renewed Motion to Dismiss pursuant to Fed. R. Civ. P. rule 25(A), Doc. #62, be granted and that all claims asserted by plaintiff against defendants be dismissed. 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. #64. "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”). No objection has been filed. The plaintiff is deceased. *See* docket ##51 and 52.

The Court has reviewed all the relevant pleadings concerning defendants Renewed Motion to Dismiss and the Recommendation. Based on this review, 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.” Fed. R. Civ. P. 72 advisory committee’s note.

Order

1. The Recommendation of the United States Magistrate Judge [#64] is AFFIRMED and ADOPTED.
2. Defendants’ Renewed Motion to Dismiss [#62] is GRANTED. All claims asserted by plaintiff against defendants are DISMISSED WITH PREJUDICE.
3. Motion #51 and Recommendation #52 are now deemed to be MOOT.

DATED this 16th day of April, 2012.

BY THE COURT:



R. Brooke Jackson
United States District Judge