

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

Civil Action No. 10-cv-02491-CMA-CBS

STEVEN BARKSDALE,

Plaintiff,

v.

GENIE CONNAGHAN,
PATRICIA PANEK, a/k/a PATRICIA RAE, ,

Defendants.

**ORDER ADOPTING AND AFFIRMING DECEMBER 10, 2012 RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the December 10, 2012 Recommendation by United States Magistrate Judge Craig B. Shaffer (Doc. # 57) that Defendant Genie Connaghan's Motion for Summary Judgment (Doc. # 52) be granted. 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. # 57 at 19-20.) Despite this advisement, no objections to Magistrate Judge Shaffer'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 Defendant Connaghan’s Motion for Summary Judgment, as well as the Recommendation. Based on this review, the Court concludes that Magistrate Judge Shaffer’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 Shaffer as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 57) is AFFIRMED and ADOPTED.

It is FURTHER ORDERED that Defendant Connaghan’s Motion for Summary Judgment (Doc. # 52) is GRANTED and the claims against her are DISMISSED WITH PREJUDICE. (Doc. # 57 at 19.) It is

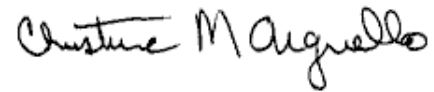
FURTHER ORDERED that Defendant Patricia Panek be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 4(m) for failure to serve¹. (Doc. # 67 at 19.)

¹ The Magistrate Judge recommended that the Court grant summary judgment in favor of Defendant Panek for failure to exhaust administrative remedies. However, Defendant Panek has never been served and so the Court has no jurisdiction over her. Thus, the Court rejects this portion of the Recommendation and instead adopts Magistrate Judge Shaffer’s recommendation that Defendant Panek be dismissed under Rule 4(m).

As all Defendants have been dismissed, this case is now CLOSED in its entirety.

DATED: January 04, 2013

BY THE COURT:

A handwritten signature in black ink that reads "Christine M. Arguello". The signature is written in a cursive style with a large, looped initial 'C'.

CHRISTINE M. ARGUELLO
United States District Judge