

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

Civil Action No. 10-cv-02534-CMA-KMT

KEITH FRAZIER

Plaintiff,

v.

SUSAN BARKER, Librarian, BCCF,

Defendant.

**ORDER ADOPTING AND AFFIRMING JANUARY 31, 2012
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kathleen M. Tafoya pursuant to 28 U.S.C. § 636. (Doc. # 9.) On January 31, 2012, the Magistrate Judge issued a Recommendation (Doc. # 70), advising that the Motion filed by Plaintiff, Keith Frazier, on December 5, 2011 (Doc. # 63), be denied.¹ The Recommendation stated that “[w]ithin fourteen days after service of a copy of the Recommendation, any party may serve and file written objections” (Doc. # 70 at 3.) It also advised the parties that “[f]ailure to make timely objections may

¹ Plaintiff labeled the Motion “A change in policy at the Crowley County Correctional Facility (“CCCCF”), set to go into effect on December 1, 2011, which will work to block my access to the courts by keeping me from being able to get envelopes for mailing my legal work out in [*sic*] anymore.” (Doc. # 63.) The Magistrate Judge, construing the motion liberally, addressed it as a motion for a temporary restraining order and/or for a preliminary injunction. (Doc. # 70 at 1.)

bar *de novo* review by the district judge of the magistrate judge's proposed findings and recommendations" (*Id.*) Neither party has filed objections.

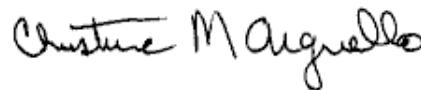
"In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (observing that "[i]t does not appear that Congress intended to 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")). Having reviewed the Recommendation, the Court discerns no clear error on the face of the record and determines that the Magistrate Judge's reasoning is sound.

Accordingly, it is hereby ORDERED that the Recommendation of United States Magistrate Judge Kathleen M. Tafoya (Doc. # 70) is AFFIRMED and ADOPTED. Pursuant to the Recommendation, it is

FURTHER ORDERED that Plaintiff's December 5, 2011 Motion (Doc. # 63) is DENIED.

DATED: February 22, 2012

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge