

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

Civil Action No. 10-cv-02560-CMA-KLM

TRAVIS E. SANDLIN,

Plaintiff,

v.

PAUL GARCIA,  
MARC BOLT,  
JASON ZWIRN,  
KEVIN MILYARD, and  
CAROL SOARES,

Defendants.

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**ORDER ADOPTING AND AFFIRMING MARCH 10, 2011 RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on Defendants' Motion to Dismiss (Doc. # 21), filed February 11, 2011. The motion was referred to Magistrate Judge Kristen L. Mix for a Recommendation by Order of Reference dated February 15, 2011. Magistrate Judge Mix issued a Recommendation on March 10, 2011, that the above-referenced motion be granted. (Recommendation at 1.) 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 14 days after being served with a copy of the Recommendation. (Recommendation at 14.) Despite this advisement, no objections to the Magistrate Judge's Recommendation were 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”).

Applying this standard, I am satisfied that the Recommendation of Magistrate Judge Mix is sound and that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(a). I agree that the above-referenced motion to dismiss should be granted. Accordingly, it is hereby

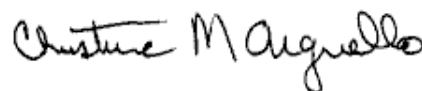
ORDERED that the Recommendation of United States Magistrate Judge Kristen L. Mix (Doc. # 27), filed March 10, 2011, is AFFIRMED and ADOPTED.

In accordance therewith, it is FURTHER ORDERED that:

1. Plaintiff’s 14th Amendment claim against Defendants is DISMISSED WITHOUT PREJUDICE to the extent the claim is against Defendants in their official capacities;
2. Plaintiff’s 14th Amendment claim against Defendants is DISMISSED WITH PREJUDICE to the extent the claim is against Defendants in their individual capacities; and
3. Defendants’ Motion to Dismiss (Doc. # 21) is GRANTED, and this action is hereby DISMISSED in its entirety.

DATED: April 06, 2011

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge