

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

Civil Action No. 10-cv-02668-RBJ-CBS

THOMAS JAMES HARRELL,

Plaintiff,

v.

C/O S. DANIEL, and  
LT. T. VIALPANDO

Defendants.

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**ORDER ADOPTING AND AFFIRMING JANUARY 27, 2012 RECOMMENDATIONS  
OF UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on the January 27, 2012 Recommendation by Magistrate Judge Craig S. Shaffer that defendants' Motion for Summary Judgment (#28) be granted and judgment entered in favor of the defendants. 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 (#32). Despite this advisement, no objections to Magistrate Judge Shaffer'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").

The Court has reviewed all the relevant pleadings concerning the Recommendation. Based on this review, the Court concludes that the Magistrate Judge's 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 The United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge, Doc. #56, is AFFIRMED and ADOPTED. It is further ORDERED that defendant's Motion for Summary Judgment, Doc. #28 is GRANTED and all claims asserted by plaintiff against said defendants are DISMISSED WITH PREJUDICE.

DATED this 7<sup>th</sup> day of March, 2012.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Brooke Jackson", written in a cursive style. The signature is positioned above a horizontal line.

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R. Brooke Jackson  
United States District Judge