

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

Civil Action No. 11-cv-01027-CMA-MEH

PAUL W. SPENCE,

Plaintiff,

v.

LOUIS CABILING, MD, DOC,

Defendant.

**ORDER AFFIRMING FEBRUARY 21, 2012 ORDER OF
UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the February 21, 2012 Recommendation (Doc. # 46) by United States Magistrate Judge Michael E. Hegarty that Defendant's Motion to Dismiss Amended Prisoner Complaint (Doc. # 31) 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. # 46 at 1 n.1.) On March 2, 2012, Plaintiff sent a letter to the Magistrate Judge, which the Magistrate Judge construed as a motion for extension of time. The Magistrate Judge granted Plaintiff's motion and permitted him to file an objection to the Recommendation on or before March 26, 2012. (Doc. # 50.) Despite this extension of time, no objections to the 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.”)).

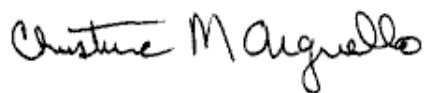
The Court has reviewed all the relevant pleadings concerning Defendant’s motion to dismiss. Based on this review, the Court concludes that Magistrate Judge Hegarty’s thorough and comprehensive analyses and recommendations are correct and that “there is no clear error on the face of the record.” Fed. R. Civ. P. 72 advisory committee’s note. Therefore, the Court ADOPTS the Recommendation of Magistrate Judge Hegarty as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 46) is AFFIRMED and ADOPTED.

It is FURTHER ORDERED that Defendant’s Motion to Dismiss Amended Prisoner Complaint (Doc. # 32) be GRANTED, and that Plaintiff’s claims be DISMISSED.

DATED: March 27, 2012

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge