

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 11-cv-01894-WJM-MEH

JOVONIE MONTEZ,

Plaintiff,

v.

ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY,

Defendant.

**ORDER ADOPTING JULY 30, 2012 RECOMMENDATION OF MAGISTRATE JUDGE,
DENYING PLAINTIFF'S MOTION TO MODIFY SCHEDULING ORDER, AND
DENYING PLAINTIFF'S MOTION SEEKING LEAVE TO AMEND COMPLAINT**

This matter is before the Court on the July 30, 2012 Recommendation of United States Magistrate Judge Michael E. Hegarty (the "Recommendation") (ECF No. 43) that Plaintiff's Motion to Modify Scheduling Order (ECF No. 33) and Plaintiff's Motion Seeking Leave of Court to Amend Complaint (ECF No. 34) be denied. 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 days after being served with a copy of the Recommendation.¹ (ECF No. 43, at 1 n.1.) Despite this advisement, no objections to the Magistrate Judge's Recommendation have to date been filed by either party (over a period of more than six weeks).

¹ The Court's internal records confirm that the Recommendation was electronically mailed to counsel for both parties.

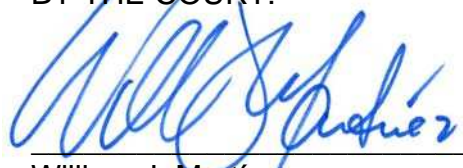
The Court concludes that the Magistrate Judge's analysis was thorough and sound, and that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); see also *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) ("In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate.").

In accordance with the foregoing, the Court ORDERS as follows:

- (1) The Magistrate Judge's Recommendation (ECF No. 43) is ADOPTED in its entirety;
- (2) Plaintiff's Motion to Modify Scheduling Order (ECF No. 33) is DENIED; and
- (3) Plaintiff's Motion Seeking Leave of Court to Amend Complaint (ECF No. 34) is DENIED.

Dated this 12th day of September, 2012.

BY THE COURT:



William J. Martínez
United States District Judge