

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

Civil Action No. 11-cv-02924-CMA-BNB

MAURICE E. LINDSEY,

Plaintiff,

v.

DR. CARTER,

Defendant.

**ORDER ADOPTING AND AFFIRMING NOVEMBER 19, 2012
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

This matter was referred to United States Magistrate Judge Boyd N. Boland pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72. (Doc. # 44.) On November 19, 2012, Judge Boland issued a Recommendation, advising that Plaintiff's "Motion for Court Order Granting" (Doc. # 42) be denied and Defendant's "Motion for Summary Judgment" (Doc. # 52) be granted. (Doc. # 61.) The Recommendation stated that "the parties have 14 days after service of this recommendation to serve and file specific, written objections." (*Id.* at 10 n.2.) It also informed the parties that "failure to serve and file specific, written objections waives *de novo* review of the recommendation by the district judge" (*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 finds that Judge Boland’s reasoning is sound.

Accordingly, it is hereby ORDERED that the Recommendation of United States Magistrate Judge Boyd N. Boland (Doc. # 61) is AFFIRMED and ADOPTED as an Order of this Court. Pursuant to the Recommendation,

IT IS FURTHER ORDERED that Plaintiff’s “Motion for Court Order Granting” (Doc. # 42) is DENIED, and Defendant’s “Motion for Summary Judgment” (Doc. # 52) is GRANTED. As such,

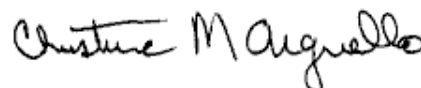
IT IS FURTHER ORDERED that Plaintiff’s claim is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that, pursuant to the certification procedure in 28 U.S.C. § 1915(a)(3), any appeal from this Order would not be taken in good faith and, thus, leave to proceed *in forma pauperis* on appeal is DENIED.

This case is DISMISSED.

DATED: December 10, 2012

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge