

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

Civil Action No. 11-cv-03052-RBJ

BRETT LE'JON STEWART,

Plaintiff,

v.

MS. JEANNIE MILLER, Executive Director, Parole Division, Colorado Department of
Corrections,

Defendant.

ORDER

This matter is before the Court on the January 17, 2013 Recommendation of Magistrate Judge Boyd N. Boland [docket #17]. As relevant here, the Recommendation addresses defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) [#12]. 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. Despite this advisement, no objection to Magistrate Judge Boland's Recommendation was filed by either party.¹ "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) ("It does not appear that Congress

¹ The court notes that the original mailing of Magistrate Judge Boland's Recommendation was returned as undeliverable on February 4, 2013. [See #19.] The Clerk of Court forwarded the Recommendation to Mr. Stewart at his updated address on February 14, 2013, and the Court has not received any objections. [See Minute Order #20; Certificate of Mailing #21.]

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 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 as the findings and conclusions of this Court.

Order

1. The Recommendation of United States Magistrate Judge [#17] is ADOPTED.
2. Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) [#12] is GRANTED. The claims asserted by plaintiff are dismissed with prejudice for failure to state a claim upon which relief can be granted.

DATED this 11th day of March, 2013.

BY THE COURT:



R. Brooke Jackson
United States District Judge