

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 11-cv-03238-PAB-KMT

SAMUEL M. WALKER and  
DIANE H. WALKER,

Plaintiffs,

v.

FRED WEGENER, individual and official capacity,  
BOBBY PRIESTLY, individual and official capacity,  
CINDY HARDEY, individual and official capacity,  
REBECCA BRAMLETT, individual and official capacity,  
AMY FRANCK, individual and official capacity,  
JUAN GALLEGOS, individual and official capacity,  
DEP SGT BROWN, individual and official capacity,  
PARK COUNTY,  
PARK COUNTY COMMISSIONERS,  
ATTORNEY GENERAL, COLORADO, official capacity, and  
COURT CLERK, individual and official capacity,

Defendants.

---

**ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION**

---

This matter is before the Court on the Recommendation of United States Magistrate Judge Kathleen M. Tafoya filed on March 2, 2012 [Docket No. 21]. The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. *See also* 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on March 2, 2012. No party has objected to the Recommendation.

In the absence of an objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate. *Summers v. Utah*, 927 F.2d

1165, 1167 (10th Cir. 1991); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“[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”). In this matter, I have reviewed the Recommendation to satisfy myself that there is “no clear error on the face of the record.”<sup>1</sup> See Fed. R. Civ. P. 72(b), Advisory Committee Notes. Based on this review, I have concluded that the Recommendation is a correct application of the facts and the law. Accordingly, it is

**ORDERED** as follows:

1. The Recommendation of United States Magistrate Judge [Docket No. 21] is ACCEPTED.

2. The Motion to Dismiss of Defendants Suthers and McLimans [Docket No. 3] is GRANTED.

DATED March 26, 2012.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge

---

<sup>1</sup>This standard of review is something less than a “clearly erroneous or contrary to law” standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a *de novo* review. Fed. R. Civ. P. 72(b).