

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

Civil Action No. 11-cv-03297-PAB-KLM

RONALD M. WARNER, and
BARBARA WARNER,

Plaintiffs,

v.

BANK OF AMERICA NA, as successor by merger to “LaSalle Bank NA as Trustee for
Washington Mutual Mortgage Pass-through Certificates WAMU Series 2007-OA4-trust,
BANK OF AMERICA NA,
JP MORGAN CHASE BANK NA,
JP MORGAN CHASE & CO.,
WASHINGTON MUTUAL BANK, formerly known as WAMU,
LAW OFFICE OF MICHAEL P. MEDVED, P.C.,
MICHAEL P. MEDVED, and
HEATHER DEERE,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE’S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge Kristen L. Mix filed on February 8, 2012 [Docket No. 49]. 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 February 8, 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."¹ 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. The Court declines to exercise supplemental jurisdiction over plaintiff's state law claims. Accordingly, it is

ORDERED as follows:

1. The Recommendation of United States Magistrate Judge [Docket No. 49] is ACCEPTED.
2. This case is remanded to the District Court for Boulder County, Colorado.
3. Plaintiffs' Motion to Remand Back to State Court [Docket No. 35] is DENIED as moot.

DATED March 1, 2012.

BY THE COURT:

s/Philip A. Brimmer

PHILIP A. BRIMMER
United States District Judge

¹This 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).