

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

Civil Action No. 12-cv-00002-CMA-MEH

BRADON GIBSON,

Plaintiff,

v.

TT OF WOODMEN, INC., a Colorado corporation,
d/b/a WOODMEN NISSAN,

Defendant.

**ORDER ADOPTING AND AFFIRMING FEBRUARY 29, 2012
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Michael E. Hegarty pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72. (Doc. # 2.) On February 29, 2012, the Magistrate Judge issued a Recommendation (Doc. # 11), advising that the Motion for a Stay and to Compel Arbitration (Doc. # 5), filed by Defendant on January 23, 2012, be granted. The Recommendation stated that “all parties shall have fourteen (14) days after service hereof to serve and file any written objections in order to obtain reconsideration by the District Judge to whom this case is assigned.” (Doc. # 11 at 1 n.1.) It also advised the parties that “failure to file such written objections . . . may bar the party from a *de novo* determination by the District Judge of the proposed findings and recommendations.” (*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 the Magistrate Judge’s reasoning is sound.

The Court further finds that this action, instead of being left open for an indefinite period pending arbitration, should be administratively closed pursuant to D.C.COLO.LCivR 41.2, with leave to be reopened for good cause.

Accordingly, it is hereby ORDERED that the Recommendation of United States Magistrate Judge Michael E. Hegarty (Doc. # 11) is AFFIRMED and ADOPTED.

Pursuant to the Recommendation, it is

FURTHER ORDERED that Defendant’s January 23, 2012 Motion for a Stay and to Compel Arbitration (Doc. # 5) is GRANTED. It is

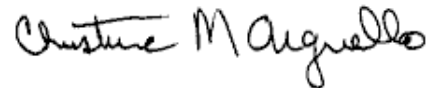
FURTHER ORDERED that the Clerk of the Court shall ADMINISTRATIVELY CLOSE this action pursuant to D.C.COLO.LCivR 41.2. It is

FURTHER ORDERED that the parties shall have leave to file a request to reopen this action, or shall file a motion to dismiss, within fourteen (14) days of the entry of the arbitrator's order. It is

FURTHER ORDERED that the parties shall file a joint status report every ninety (90) days, beginning June 19, 2012.

DATED: March 21, 2012

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge