

**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 MAY 22, 2013
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 May 22, 2013, Judge Hegarty issued a Recommendation (Doc. # 22), advising that the “Motion to Reopen Case and Amended Motion to Compel Specific Performance Pursuant to Fed. R. Civ. P. 70,” filed by Defendant on May 2, 2013 (Doc. # 18), be granted in part and denied in part. 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. # 22 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 Judge Hegarty’s reasoning is sound.

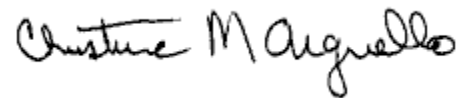
Accordingly, it is hereby ORDERED that the Recommendation of United States Magistrate Judge Michael E. Hegarty (Doc. # 22) is AFFIRMED and ADOPTED as an Order of this Court. Pursuant to the Recommendation, it is

FURTHER ORDERED that Defendant’s May 2, 2013 “Motion to Reopen Case and Amended Motion to Compel Specific Performance Pursuant to Fed. R. Civ. P. 70” (Doc. # 18) is GRANTED IN PART and DENIED IN PART as follows: (1) the motion is GRANTED IN PART to the extent that the Clerk of the Court shall REOPEN this case for the sole purpose of allowing the Court to adjudicate Defendant’s motion to compel specific performance; and (2) the motion is DENIED IN PART as to Defendant’s motion to compel specific performance pursuant to Fed. R. Civ. P. 70(a). Finally, it is

FURTHER ORDERED that this case is DISMISSED.

DATED: June 13, 2013

BY THE COURT:

A handwritten signature in cursive script that reads "Christine M. Arguello".

CHRISTINE M. ARGUELLO
United States District Judge