

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00448-WYD-MJW

KEITH PARKER,

Plaintiff,

v.

KEVIN MILYARD;
RYAN LONG; and
JOHN DOE,

Defendants.

**ORDER AFFIRMING AND ADOPTING RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

THIS MATTER is before the Court on the Recommendation on Defendants' Motion for Attorney's Fees Pursuant to 42 U.S.C. § 1988(b), filed August 23, 2013. (ECF No. 65, Recommendation). Magistrate Judge Watanabe recommends that defendants' motion be granted, and defendants Milyard and Long be awarded attorney fees in the amount of \$5551.00. (Recommendation at 9). The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b).

Magistrate Judge Watanabe advised the parties that written objections were due within fourteen (14) days after service of a copy of the Recommendation. (Recommendation at 9-10). Despite this advisement, no objections were filed to the Recommendation. No objections having been filed, I am vested with discretion to review the Recommendation "under any standard [I] deem[] appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985)

(stating 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"). Nonetheless, though not required to do so, I review the Recommendation to "satisfy [my]self that there is no clear error on the face of the record."¹ See Fed. R. Civ. P. 72(b) Advisory Committee Notes.

Having reviewed the Recommendation, I am satisfied that there is no clear error on the face of the record. I find that Magistrate Judge Watanabe's Recommendation is thorough, well reasoned and sound. I agree with Magistrate Judge Watanabe that defendants Milyard and Long should be awarded attorney fees in the amount of **\$5551.00** for the reasons stated in both the Recommendation and this Order.

Based on the foregoing, it is

ORDERED that the Recommendation of United States Magistrate Judge Watanabe (ECF No. 65) is **AFFIRMED** and **ADOPTED**. In accordance therewith, it is

FURTHER ORDERED that Defendants' Motion for Attorney's Fees Pursuant to 42 U.S.C. § 1988(b) (ECF No. 55) is **GRANTED**, and defendants Milyard and Long are awarded attorney fees in the amount of **\$5551.00**.

¹ Note, 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).

Dated: September 16, 2013

BY THE COURT:

s/ Wiley Y. Daniel _____
Wiley Y. Daniel
Senior United States District Judge