

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 12-cv-00609-WYD-MJW

JILL COIT,

Plaintiff,

v.

ARISTEDES ZAVARAS, Director of the Colorado Department of Corrections, et. al,

Defendants.

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

THIS MATTER is before the Court on the Recommendation of the United States Magistrate Judge ("Recommendation"), filed January 10, 2013. (ECF No. 153, Recommendation). Specifically, Magistrate Judge Watanabe recommends that the claims against defendants Michael Dussart, Jane/John Doe #1, Jane/John Doe #2, and Jane/John Doe #3 should be dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m) and D.C.COLO.LCivR 41.1. (Recommendation at 2). 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 2-3). 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 that the claims against defendants Michael Dussart, Jane/John Doe #1, Jane/John Doe #2, and Jane/John Doe #3 should be dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m) and D.C.COLO.LCivR 41.1 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 Boland (ECF No. 153) is **AFFIRMED** and **ADOPTED**. In accordance therewith, it is

FURTHER ORDERED that that the claims against defendants Michael Dussart, Jane/John Doe #1, Jane/John Doe #2, and Jane/John Doe #3 are **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 4(m) and D.C.COLO.LCivR 41.1. The Clerk of the Court shall amend the case caption to reflect the dismissal of these defendants.

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: February 4, 2013

BY THE COURT:

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

