

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge William J. Martínez**

Civil Action No. 12-cv-0875-WJM

ROY ALBERT KAHN

Plaintiff,

v.

CHARLES DANIELS

Defendant.

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**ORDER ADOPTING RECOMMENDATION AND DENYING  
PETITIONER'S WRIT OF HABEAS CORPUS**

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This matter is before the Court on the July 31, 2012 Recommendation by United States Magistrate Judge Michael J. Watanabe that Petitioner's Application for Writ of Habeas Corpus be denied and this action dismissed with prejudice. (ECF No. 19.) The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b).

The Recommendation advised the parties that specific written objections were due within fourteen days after being served with a copy of the Recommendation. (ECF No. 19 at 6-7.) Despite this advisement, no objections to the Magistrate Judge's Recommendation were filed by either party. "In the absence of timely objection, the district court may review a magistrate . . . [judge'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) (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”).

The Court concludes that the Magistrate Judge’s analysis and recommendation is correct and that “there is no clear error on the face of the record.” See Fed. R. Civ. P. 72(b) advisory committee’s note.

Accordingly, the Court ORDERS as follows:

1. The Recommendation of the United States Magistrate Judge (ECF No. 19) is ACCEPTED;
2. Petitioner’s Application for Writ of Habeas Corpus (ECF No. 1) is DENIED; and
3. The Clerk shall enter judgment in favor of Defendant. Each party will bear his own attorney’s fees and costs.

Dated this 31<sup>st</sup> day of August, 2012.

BY THE COURT:



William J. Martínez  
United States District Judge