

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

Civil Action No. 12-cv-00884-CMA-KLM

WILLIAM MICHAEL SMITH, and
DOUBLE DIAMOND MECHANICAL CONTRACTING SALES & SERVICES, INC.,

Plaintiffs,

v.

STARWOOD ASPEN REALTY, LLC,
STARWOOD HOTELS & RESORTS WORLDWIDE, INC., and
COLORADO RSA NO 3 LIMITED PARTNERSHIP, d/b/a VERIZON WIRELESS, INC.,

Defendants.

**ORDER ADOPTING AND AFFIRMING JANUARY 11, 2013
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge Kristen L. Mix pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72. (Doc. # 4.) On January 11, 2013, Judge Mix issued a Recommendation, advising that the Motion for Judgment on the Pleadings, filed by Defendant Verizon Wireless (Doc. # 21), be granted and that Plaintiff Double Diamond be dismissed from this case. (Doc. # 30 at 8.) The Recommendation stated that “the parties shall have fourteen (14) days after service of this Recommendation to serve and file any written objections in order to obtain reconsideration by the District Judge to whom this case is assigned.” (*Id.*) It also informed the parties that “failure to serve and file specific, written objections waives de novo review of the Recommendation by the District Judge” (*Id.* at 8-9.) No 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 Mix’s reasoning is sound.

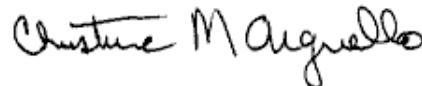
Accordingly, it is hereby ORDERED that the Recommendation of United States Magistrate Judge Kristen L. Mix (Doc. # 30) is AFFIRMED and ADOPTED as an Order of this Court. Pursuant to the Recommendation, it is

FURTHER ORDERED that Defendant Verizon Wireless’s Motion for Judgment on the Pleadings (Doc. # 21) is GRANTED and that Plaintiff Double Diamond is DISMISSED from this case. It is

FURTHER ORDERED that the caption on all subsequent filings shall reflect the removal of Double Diamond as a Plaintiff in this case.

DATED: February 04, 2013

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge