

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

Civil Action No. 12-cv-01172-CMA-KLM

JENNIFER PERINN,

Plaintiff,

v.

CITY OF COMMERCE CITY, STATE OF COLORADO,  
CHIEF PHILLIP BACA, Individually and in his official capacity  
as a Commerce City Police Officer,  
COMMERCE CITY POLICE DEPARTMENT, an agency, bureau, department  
of the City of Commerce City, State of Colorado,  
NICHOLAS CARR, Individually and in his official capacity  
as a Commerce City Police Officer,  
OFFICER GILMORE, Individually and in his official capacity  
as a Commerce City Police Officer,  
JAMES QUEISNER, Individually and in his official capacity  
as a Commerce City Police Officer,  
OFFICER WALKINSHAW, Individually and in his official capacity  
as a Commerce City Police Officer,  
KEVIN WOOD, Individually and in his official capacity  
as a Commerce City Police Officer,  
ERIC EWING, Individually and in his official capacity  
as a Commerce City Police Officer,  
BRANDON ZBOROWSKI, Individually and in his official capacity  
as a Commerce City Police Officer,  
ROB McCOY, Individually and in his official capacity  
as a Commerce City Police Officer,  
KEVIN LORD, Individually and in his official capacity  
as a Commerce City Police Officer, and  
JEREMY JENKINS, Individually and in his official capacity  
as a Commerce City Police Officer,

Defendants.

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**ORDER ADOPTING AND AFFIRMING SEPTEMBER 26, 2012,  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

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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. # 3.) On September 26, 2012, Judge Mix issued a Recommendation, advising that Plaintiff's Motion to Dismiss Defendant Commerce City Police Department ("CCPD") (Doc. # 11) be granted and that "Plaintiff's claims against Defendant CCPD be dismissed from this lawsuit." (Doc. # 13 at 2.) 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.* at 2–3.) 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 3.) 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.

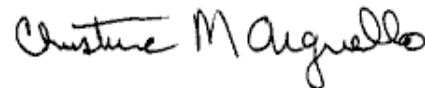
Accordingly, it is hereby ORDERED that the Recommendation of United States Magistrate Judge Kristen L. Mix (Doc. # 13) is AFFIRMED and ADOPTED. Pursuant to the Recommendation, it is

FURTHER ORDERED that Plaintiff's Motion to Dismiss Defendant Commerce City Police Department (Doc. # 11) is GRANTED so that Plaintiff's claims against it are dismissed from this lawsuit. It is

FURTHER ORDERED that the caption in this matter be amended and all subsequent filings shall reflect the removal of Commerce City Police Department as a Defendant in this case

DATED: October 22, 2012

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge