

**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,
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.

**ORDER ADOPTING AND AFFIRMING JANUARY 14, 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. # 3.) On January 14, 2013, Judge Mix

issued a Recommendation, advising that Plaintiff's case be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b). (Doc. # 20 at 7.) 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.*) 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.

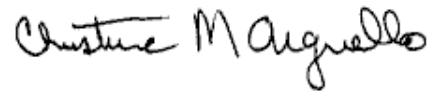
Accordingly, it is hereby ORDERED that the Recommendation of United States Magistrate Judge Kristen L. Mix (Doc. # 20) is AFFIRMED and ADOPTED as an Order of this Court. Pursuant to the Recommendation, it is

FURTHER ORDERED that Plaintiff's case is DISMISSED WITH PREJUDICE in its entirety, pursuant to Fed. R. Civ. P. 41(b). It is

FURTHER ORDERED, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith and, therefore, *in forma pauperis* status will be denied for purpose of appeal.

DATED: February 04, 2013

BY THE COURT:

A handwritten signature in black ink that reads "Christine M Arguello". The signature is written in a cursive style with a horizontal line underneath the name.

CHRISTINE M. ARGUELLO
United States District Judge