

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No. 12-cv-01326-RBJ-KLM

JAMES SARDAKOWSKI,

Plaintiff,

v.

TOM CLEMENTS, Individual Capacity,
TRAVIS TRANI, Individual Capacity, and
KAVIN SNYDER, Individual Capacity,

Defendants.

ORDER

This matter is before the Court on the March 26, 2013 Recommendation of Magistrate Judge Kristen L. Mix [docket #92]. As relevant here, the Recommendation addresses defendant's Motion to Dismiss [#79]. 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 (14) days after being served with a copy of the Recommendation. Despite this advisement, no objection to Magistrate Judge Mix's Recommendation was filed by either party. "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) ("It 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 has reviewed the relevant pleadings concerning the Recommendation. Based on this review, the Court concludes that the Magistrate Judge's analyses and recommendations are correct, and that "there is no clear error on the face of the record." Fed. R. Civ. P. 72 advisory committee's note. Therefore, the Court ADOPTS the Recommendation as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of United States Magistrate Judge [#92] is AFFIRMED and ADOPTED. Plaintiff's claims for retrospective declaratory relief are DISMISSED without prejudice, and Defendant's Motion to Dismiss [#79] is DENIED.

DATED this 1st day of July, 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Brooke Jackson", written in a cursive style.

R. Brooke Jackson
United States District Judge