

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Chief Judge Wiley Y. Daniel**

Civil Action No. 12-cv-01429-WYD-BNB

In The Matter of

Establishment Inspection of

Colorado Forge  
107 Trinity Lane  
Pagosa Springs, CO 81147

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**ORDER AFFIRMING AND ADOPTING RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

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THIS MATTER is before the Court on the Recommendation on United States Magistrate Judge and Order (“Recommendation”), filed September 11, 2012. (ECF No. 16, Recommendation). Specifically, Magistrate Judge Boland recommends that based on the Secretary of Labor’s September 10, 2012 Status Report, the Order to Show Cause is discharged and this action should be administratively closed pursuant to D.C.COLO.LCivR 41.2. (Recommendation at 1). The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b).

Magistrate Judge Boland advised the parties that written objections were due within fourteen (14) days after service of a copy of the Recommendation. (Recommendation at 1). Despite this advisement, no objections were filed to the Recommendation. No objections having been filed, I am vested with discretion to review the Recommendation “under any standard [I] deem[] appropriate.” *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); see also *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"). Nonetheless, though not required to do so, I review the Recommendation to "satisfy [my]self that there is no clear error on the face of the record."<sup>1</sup> See Fed. R. Civ. P. 72(b) Advisory Committee Notes.

Having reviewed the Recommendation, I am satisfied that there is no clear error on the face of the record. I find that Magistrate Judge Boland's Recommendation is thorough, well reasoned and sound. I agree with Magistrate Judge Boland that this matter should be administratively closed pursuant to D.C.COLO.LCivR 41.2 for the reasons stated in both the Recommendation and this Order.

Based on the foregoing, it is

ORDERED that the Recommendation of United States Magistrate Judge Boland (ECF No. 16) is **AFFIRMED** and **ADOPTED**. In accordance therewith, it is

FURTHER ORDERED that that the Clerk of the Court shall administratively close this matter pursuant to D.C.COLO.LCivR 41.2.

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<sup>1</sup> Note, this standard of review is something less than a "clearly erroneous or contrary to law" standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a *de novo* review, Fed. R. Civ. P. 72(b).

Dated: October 4, 2012

BY THE COURT:

s/ Wiley Y. Daniel \_\_\_\_\_  
Wiley Y. Daniel  
Chief United States District Judge