

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

Civil Action No. 12-cv-01434-CMA-MEH

JOHN RAINEY,

Plaintiff,

v.

HECTOR T. HUERTAS,
TRAVIS TRANI,
DENNIS BURBANK, and
DR. HODGE

Defendants.

**ORDER ADOPTING AND AFFIRMING JANUARY 17, 2013
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge Michael E. Hegarty pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72. (Doc. # 15.) On January 17, 2013, Judge Hegarty issued a Recommendation, advising that Defendants' Motion to Dismiss Plaintiff's Complaint (Doc. # 95) be granted. (Doc. # 120.) The Recommendation stated that "all parties shall have fourteen (14) days after service hereof to serve and file any written objections in order to obtain reconsideration by the District Judge to whom this case is assigned." (*Id.* at 1, n.1.) It also informed the parties that "failure to file such written objections to proposed findings and recommendations contained in this report may bar the party from a de novo

determination by the District Judge of the proposed findings and recommendations.”

(*Id.*) No party has filed objections.

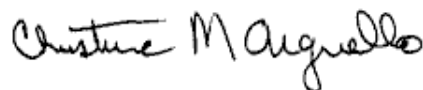
“In the absence of timely objection, the district court may review a magistrate’s report under any standard it deems appropriate.” *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (observing that “[i]t does not appear that Congress intended to 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 and the filings to which it relates, the Court discerns no clear error on the face of the record and finds that Judge Hegarty’s reasoning is sound.

Accordingly, it is hereby ORDERED that the Recommendation of United States Magistrate Judge Michael E. Hegarty (Doc. # 120) is AFFIRMED and ADOPTED as an Order of this Court. Pursuant to the Recommendation, it is

FURTHER ORDERED that Defendants’ Motion to Dismiss Plaintiff’s Complaint (Doc. # 95) is GRANTED, and this case is hereby DISMISSED in its entirety.

DATED: February 07, 2013

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge