

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Action No. 12-cv-02072-RM-KJM

ARNOLD A. CARY,

Plaintiff,

v.

RODNEY ACHEN, CTCF, Food Services Captain,

Defendant.

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**ORDER**

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This matter is before the Court on the October 29, 2015 Recommendation of United States Magistrate Judge Kristen L. Mix (the “Recommendation”) (ECF No. 110) to grant Defendant Rodney Achen’s (“Achen”) motion for summary judgment (ECF No. 90) on Plaintiff Arnold Cary’s remaining claim (ECF Nos. 81; 21 at 10-23; 64; 63) in this lawsuit. 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 days after being served with a copy of the Recommendation. (ECF No. 110 at 8-9.) Despite this advisement, no objections to the Recommendation have to date been filed by either party. (*See generally* Dkt.)

The Court concludes that Judge Mix’s analysis was thorough and sound, and that there is no clear error on the face of the record. *See* Fed. R. Civ. P. 72(b) advisory committee’s note (“When no timely objection is filed, the court need only satisfy itself that there is no clear error

on the face of the record in order to accept the recommendation.”); *see also Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (“In the absence of timely objection, the district court may review a magistrate’s report under any standard it deems appropriate.”). The Recommendation is, therefore, adopted.

In accordance with the foregoing, the Court:

- (1) ADOPTS, in its entirety, Magistrate Judge Mix’s Recommendation (ECF No. 110);
- (2) GRANTS Defendant’s Motion for Summary Judgment (ECF No. 90);
- (3) DISMISSES, without prejudice, Plaintiff’s Eighth Amendment Claim (ECF No. 21 at 20-23); and
- (4) DIRECTS that the Clerk of the Court close this matter.

DATED this 25th day of November, 2015.

BY THE COURT:



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RAYMOND P. MOORE  
United States District Judge