

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

Civil Action No. 12-cv-02429-CMA-KLM

MARION HARPER,

Plaintiff,

v.

ROBIN CRONK, Montezuma County Sheriff's Dept.,
ANGELO MARTINEZ, Cortez, Colorado, Police Department,

Defendants.

**ORDER ADOPTING AND AFFIRMING SEPTEMBER 20, 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. # 5.) On September 20, 2013, Judge Mix issued a Recommendation to deny as moot the Motion to Dismiss (Doc. # 59).

The Magistrate Judge's Recommendation advised the parties that specific written objections were due within fourteen (14) days after being served with a copy of the Recommendation. (*Id.* at 5.) Despite this advisement, no objections to Magistrate Judge Mix's Recommendation have been 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) (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

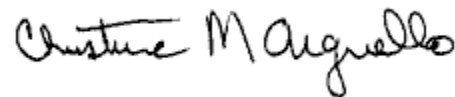
those findings")). Having reviewed the Recommendation, the Court discerns no clear error on the face of the record and finds that Judge Mix's reasoning is sound.

Accordingly, it is hereby ORDERED that the Recommendation of United States Magistrate Judge Kristen L. Mix (Doc. # 80) is AFFIRMED and ADOPTED as an Order of this Court. Pursuant to the Recommendation, it is

FURTHER ORDERED that the Motion to Dismiss (Doc. # 59) is DENIED AS MOOT.

DATED: October 28, 2013

BY THE COURT:

A handwritten signature in black ink that reads "Christine M. Arguello". The signature is written in a cursive, flowing style.

CHRISTINE M. ARGUELLO
United States District Judge