

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

Civil Action No. 12-cv-02525-RM-MJW

JELANI LATEEF MILLER,

Plaintiff,

v.

ANTHONY FOSTER, #86035 sued in his official and individual capacity,
SCOTT MATTOS, #01051 sued in his official and individual capacity, and
SAMUEL STIGLER, III, #05024 sued in his official and individual capacity,

Defendants.

**ORDER ADOPTING APRIL 23, 2013 RECOMMENDATION ON
PLAINTIFF'S MOTION FOR SUMMARY JUDGEMENT [sic] (ECF No. 36) AND
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGEMENT [sic] (ECF No. 22)**

THIS MATTER is before the Court on the April 23, 2013 Recommendation (“Recommendation”) of United States Magistrate Judge Michael J. Watanabe (“Magistrate Judge”) (ECF No. 36) that Plaintiff’s Motion for Summary Judgement [sic] (ECF No. 22) be denied. 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 (14) after being served with a copy of the Recommendation. (ECF No. 36.) The parties were initially served on April 23, 2013. Subsequently, the Court received mail addressed to Plaintiff returned as undeliverable and Plaintiff’s notice of change of address. (ECF No. 37 & No. 38) On April 30, 2013, Plaintiff was served with the Recommendation at his new address. (ECF No. 39.) No objections to the Recommendation have to date been filed by any party.

The Court concludes that the Magistrate Judge's analysis was thorough and sound, and that there is no clear error of law or abuse of discretion. *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.").

In accordance with the foregoing,

IT IS ORDERED that:

1. The Magistrate Judge's Recommendation (ECF No. 36) is **ADOPTED** in its entirety and made an order of this Court; and
2. Plaintiff's Motion for Summary Judgement [sic] (ECF No. 22) is **DENIED**.

DATED this 4th of June, 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", with a long horizontal flourish extending to the right.

Raymond P. Moore
United States District Judge