

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

Civil Action No. 12–cv–02782–RM–KMT

KENNETH SHERWOOD,

Plaintiff,

v.

BRT CORPORATION, d/b/a The Advantage Group, d/b/a Professional Affiliates Company,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE’S RECOMMENDATION (ECF No. 48)

This matter is before the Court on the November 5, 2014, Recommendation of United States Magistrate Judge Kathleen M. Tafoya (the “Recommendation”) (ECF No. 48). The Recommendation grants in part and denies in part Defendant’s Motion for Summary Judgment (ECF No. 27).

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. 48 at 18–19). Despite this advisement, no objections to the Recommendation have to date been filed by either party. Rather than objecting, Plaintiff, proceeding with counsel, submitted a “Motion for Partial Reconsideration of Magistrate’s Report and Recommendation” on August 14, 2014. (ECF No. 55). Defendant’s Response was filed on September 4, 2014. (ECF No. 58). Plaintiff’s Reply was filed on September 17, 2014. (ECF No. 60). Judge Tafoya then denied Plaintiff’s Motion for Reconsideration on November 5, 2014. (ECF No. 62). Neither party has filed objections to Judge Tafoya’s Order denying Plaintiff’s Motion for Reconsideration.

As Plaintiff elected to move for reconsideration by the Magistrate Judge rather than filing objections for this Court's review, Judge Tafoya's Recommendation is reviewed under a clear error, and not a *de novo*, standard. 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."). This Court finds that Judge Tafoya's analysis was thorough and sound, and that there is no clear error on the face of the record. The Recommendation is, therefore, adopted.

In accordance with the foregoing, the Court ORDERS as follows:

- (1) The Magistrate Judge's Recommendation (ECF No. 48) is ADOPTED in its entirety;
- (2) Defendant's Motion for Summary Judgment (ECF No. 24) is GRANTED in part and DENIED in part, pursuant to Judge Tafoya's findings in her Recommendation;

DATED this 15th day of January, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge