

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

Civil Action No. 12-cv-03052-CMA-KLM

JOSE MEDINA ESCOBAR,

Plaintiff,

v.

WARDEN TRANI,  
MAJOR HOLDITCH,  
CAPTAIN HUERTAS,  
LIEUTENANT TRAVIS,  
LIEUTENANT TIDEMANN,  
LIEUTENANT VANGELDER,  
LIEUTENANT RUNDLE,  
LIEUTENANT WILL,  
SERGEANT LANGDEN,  
SERGEANT WAGNER,  
SERGEANT COSSABONE,  
SERGEANT CROSLEY,  
SERGEANT WORTHEN,  
SERGEANT REED,  
SERGEANT BORDERS,  
C/O GALLAHER,  
C/O AURITI,  
C/O McPHERSON,  
C/O VIGIL,  
C/O CASADY,  
C/O WHITFIELD,  
C/O GROOM,  
C/O ESLINGER,  
C/O CAMERON,  
C/O CORTEZ,  
C/O BODYCOMB,  
C/O SPURLOCK,  
C/O THORSTAD,  
C/O SOLIZ,  
C/O DICKENS, and  
C/O FLICK,

Defendants.

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**ORDER ADOPTING AND AFFIRMING AUGUST 16, 2013  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

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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. # 24.) On August 16, 2013, Judge Mix issued a Recommendation, advising the Court to deny Plaintiff's "Motion to Compel" (Doc. # 27), "Motion for an Order Preventing Further Irreparable Harm" (Doc. # 29), and "Motion for Preventive Relief from Assaults/Injury" (Doc. # 31). (Doc. # 59.) The Recommendation stated that "the parties shall have fourteen (14) days after service of this Recommendation to serve and file any written objections in order to obtain reconsideration by the District Judge to whom this case is assigned." (*Id.* at 21-22.) It further informed the parties that "failure to serve and file specific, written objections waives *de novo* review of the Recommendation by the District Judge." (*Id.*) Neither 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")). Nonetheless, the Court has reviewed this matter *de novo*, including especially Plaintiff's motions, Defendants' response

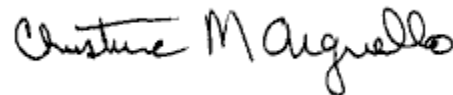
thereto, and Judge Mix's Recommendation. Having done so, the Court determines that Judge Mix's Recommendation is correct and should be adopted and affirmed here.

Accordingly, it is hereby ORDERED that the Recommendation of United States Magistrate Judge Kristen L. Mix (Doc. # 59) is ADOPTED and AFFIRMED as an Order of this Court. Pursuant to the Recommendation, it is

FURTHER ORDERED that Plaintiff's "Motion to Compel" (Doc. # 27), "Motion for an Order Preventing Further Irreparable Harm" (Doc. # 29), and "Motion for Preventive Relief from Assaults/Injury" (Doc. # 31) are DENIED.

DATED: August 06, 2013

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge