

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable R. Brooke Jackson

Civil Action No. 12-cv-03225-RBJ-KMT

BRIAN EDMOND BATH, Real Party in Interest under injury,

Plaintiff,

v.

MIDLAND CREDIT MANAGEMENT, INC.,
PAUL J. GRINBERG, and
JOHN AND JANE DOES (1-100),

Defendants.

ORDER

This matter is before the Court on the May 30, 2013 Order and Recommendation of Magistrate Judge Kathleen M. Tafoya [docket #47]. As relevant here, the Recommendation addresses defendants Midland Credit Management, Inc. and Paul J. Grinberg's Motion to Dismiss [#41]. 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 (14) days after being served with a copy of the Recommendation. Despite this advisement, no objection to Magistrate Judge Tafoya's Recommendation was filed by either party. "In the absence of timely objection, the district court may review a magistrate . . . [judge'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) (stating 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”).

The Court has reviewed the relevant pleadings concerning the Recommendation. Based on this review, the Court concludes that the Magistrate Judge’s analyses and recommendations are correct, and that “there is no clear error on the face of the record.” Fed. R. Civ. P. 72 advisory committee’s note. Therefore, the Court ADOPTS the Recommendation of The United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge [#47] is AFFIRMED and ADOPTED. Defendants’ Motion to Dismiss [#41] is DENIED. It is ordered that the Bankruptcy Trustee in Bankruptcy Case No. 13-11630-MER is given a reasonable time to ratify, join, or be substituted into this action pursuant to Fed. R. Civ. P. 17(a)(3). It is further ordered that the Clerk of Court shall send a copy of this Order to Counsel for the United States Trustee at the following address:

Alan K. Motes
Trial Attorney for the U.S. Trustee
999 18th Street, Suite 1551
Denver, CO 80202

DATED this 1st day of July, 2013.

BY THE COURT:



R. Brooke Jackson
United States District Judge