

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

Civil Action No. 12-cv-03241-CMA-NYW

ADAM DMYTRYSZYN,

Plaintiff,

v.

TOM CLEMENTS, Executive Director,  
LIEUTENANT BERNADETTE SCOTT,  
CAPTAIN T. SCOTT,  
LIEUTENANT MAGELSON,  
MAJOR BILDERAVA,  
CAPTAIN BOLT,  
SUPERINTENDENT JAMES FALK, and  
STEPHEN LADD,

Defendants.

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**ORDER ADOPTING AND AFFIRMING JANUARY 8, 2016  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on the Recommendation by United States Magistrate Judge Nina Y. Wang that Defendants' Motion for Summary Judgment (Doc. # 98) be granted. (Doc. # 114.) The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Defendants filed their Motion for Summary Judgment on June 17, 2015. (Doc. # 98.) The Motion was thereafter referred to Magistrate Judge Wang pursuant to the Order Referring Case dated November 18, 2013 (Doc. # 36), the Reassignment dated February 9, 2015 (Doc. # 69), and the Memorandum dated June 18, 2015 (Doc. # 81).

Plaintiff never filed a response to Defendants' Motion. On January 8, 2016, Magistrate Judge Wang issued her Recommendation that Defendants' Motion for Summary Judgment be granted. (Doc. # 114.)

The Recommendation advised the parties that specific written objections were due within fourteen (14) days after being served with a copy of the Recommendation. (Doc. # 114 at 20.) Despite this advisement, Plaintiff lodged no objections to Magistrate Judge Wang's Recommendation.

"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")).

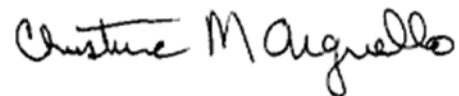
The Court has reviewed all relevant pleadings concerning Defendants' Motion for Summary Judgment and the Recommendation. Based on this review, the Court concludes that Magistrate Judge Wang's thorough and comprehensive analyses and recommendations are correct and that "there is no clear error on the face of the record." Fed. R. Civ. P. 72, advisory committee's note. Therefore, the Court ADOPTS the Recommendation of Magistrate Judge Wang as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 114) is AFFIRMED and ADOPTED. It is

FURTHER ORDERED that Defendants' Motion for Summary Judgment (Doc. # 98) is GRANTED. Accordingly, this case is DISMISSED WITH PREJUDICE.

DATED: January 28, 2016

BY THE COURT:

A handwritten signature in black ink that reads "Christine M. Arguello". The signature is written in a cursive style with a large, prominent initial "C".

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CHRISTINE M. ARGUELLO  
United States District Judge