

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 13-cv-0160-WJM-BNB

DARRELL S. ELLIOTT,
DIANE ELLIOTT, and
DARRELL S. ELLIOTT PSP

Plaintiffs,

v.

THOMPSON NATIONAL PROPERTIES, LLC, a Delaware limited liability company,
TNP 12% NOTES PROGRAM, LLC,
TNP STRATEGIC RETAIL TRUST, INC., and
ANTHONY W. THOMPSON

Defendants.

**ORDER ADOPTING SEPTEMBER 18, 2013 RECOMMENDATION OF
MAGISTRATE JUDGE, DENYING IN PART PLAINTIFFS' OPPOSED
MOTION TO AMEND COMPLAINT**

This matter is before the Court on the September 18, 2013 Recommendation of United States Magistrate Judge Boyd N. Boland (the "Recommendation") (ECF No. 51) that Plaintiffs' Opposed Motion to Amend Complaint be granted in part and denied in part. (ECF No. 42.) 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 after being served with a copy of the Recommendation.¹ (ECF No. 51, at 7 n.4.) Despite this advisement, no objections to the Magistrate Judge's Recommendation have to date been received.

¹ The Court's internal records confirm that the Recommendation was electronically mailed to counsel for both parties.

The Court concludes that the Magistrate Judge's analysis was thorough and sound, and that there is no clear error on the face of the record. 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, the Court ORDERS as follows:

- (1) The Magistrate Judge's Recommendation (ECF No. 51) is ADOPTED in its entirety;
- (2) Plaintiffs' Opposed Motion to Amend Complaint (ECF No. 42) is GRANTED IN PART and DENIED IN PART. Plaintiffs' motion is DENIED insofar as the Plaintiffs seek to add the Third Claim for violations of the federal securities laws. Plaintiffs motion is GRANTED in all other respects;

Dated this 4th day of November, 2013.

BY THE COURT:



William J. Martínez
United States District Judge