

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 13-cv-01456-PAB-MJW

PIERRE TERRON O'NEAL WATSON,

Plaintiff,

v.

T.K. COZZA-RHODES, Warden,
DAN CLARK, Lieutenant,
ED VINCENT, Counselor,
JEFF GEORGE, Disciplinary Hearing Officer, and
MIRANDA AVALOS, Lieutenant,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge Michael J. Watanabe filed on March 17, 2014 [Docket No. 39]. The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. See 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on March 17, 2014. No party has objected to the Recommendation.

In the absence of an objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate. See *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“[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”). In this matter, the Court has reviewed the Recommendation to satisfy itself that there is “no clear error on the face of the record.”¹ Fed. R. Civ. P. 72(b), Advisory Committee Notes. Based on this review, the Court has concluded that the Recommendation is a correct application of the facts and the law. Accordingly, it is

ORDERED as follows:

1. The Recommendation of United States Magistrate Judge [Docket No. 39] is ACCEPTED.
2. Defendants George, Cozza-Rhodes and Avalos’s Motion for Summary Judgment on the Issue of Exhaustion of Administrative Remedies [Docket No. 33] is GRANTED, and the claims against defendants George, Cozza-Rhodes, and Avalos are dismissed without prejudice.
3. The claims against unserved defendants Clark and Vincent are dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2) on the basis of failure to exhaust administrative remedies.
4. This case is closed.

DATED April 10, 2014.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge

¹This standard of review is something less than a “clearly erroneous or contrary to law” standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a de novo review. Fed. R. Civ. P. 72(b).