

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

Civil Action No. 13-cv-01721-PAB-CBS

JARED WELSH,

Plaintiff,

v.

NEIL BISHOP (personal capacity),  
KYLE MERRIMAN (personal capacity),  
BETH TORGERSEN (personal capacity), and  
MICHELLE COOLEY (personal capacity),

Defendants.

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**ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION**

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This matter is before the Court on the Recommendation of United States Magistrate Judge Craig B. Shaffer filed on January 26, 2015 [Docket No. 56].

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 January 26, 2015. 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.”<sup>1</sup>  
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. 56] is  
ACCEPTED.

2. All claims against defendants Kyle Merriman, Beth Torgersen, and Michelle  
Cooley are dismissed without prejudice, for failure to effect service in compliance with  
Fed. R. Civ. P. 4(m).

DATED February 13, 2015.

BY THE COURT:

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

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<sup>1</sup>This 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).